

Steve Sisolak
Governor



Richard Whitley, MS
Director

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF HEALTH CARE FINANCING AND POLICY

Helping people. It's who we are and what we do.



Suzanne Bierman,
JD MPH
Administrator

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Public Hearing for the Adoption of Temporary Regulations of the Division of Health Care Financing and Policy

The Division of Health Care Financing and Policy (DHCFP) will hold a public hearing to receive comments from all interested persons regarding the adoption of temporary regulations that pertain to Chapter 422 of the Nevada Administrative Code (NAC).

Friday, January 13, 2023 at 1:30 PM

Division of Health Care Financing and Policy
First Floor Conference Room
1100 E William St., Ste 101
Carson City, NV 89701

Teleconference/Microsoft Teams Option

Join the Meeting at <https://tinyurl.com/PH011323>

Call in by Phone (audio only) at (775) 321-6111, Event Number 769 405 293#

Please MUTE your phone while listening to the meeting, except when making public comment

Pursuant to NRS 233B.0603, DHCFP is providing the following statements pertaining to the public hearing on proposed changes to Nevada Administrative Code (NAC) 422.105 and 422.115.

The need and purpose of the proposed regulation: This NAC describes the program limits, eligibility and distribution of the Disproportionate Share Hospital (DSH) program. With the decrease in Nevada uncompensated care due to the Affordable Care Act (ACA) expansion, the annual DSH allotments and current NAC pool allocations have generated payments in excess of actual uncompensated care. The amendment will update several elements of the calculation methodology to ensure compliance.

Description of the subjects and issues involved:

- a) Brings the proposed regulations in compliance with the Nevada State Plan, Attachment 4.19-A, Page 23, Page 32a and 32 a.i. Changes are being made to the Disproportionate Share Hospital (DSH) calculations and distribution formula.
- b) Affects Hospitals that participate in the Disproportionate Share Hospital (DSH) program.

- c) Allows the State to modify the calculations and distribution of DSH funds when necessary.
- d) Allows the Division to enter into an agreement with the Hospitals to calculate and distribute available DSH funds.
- e) Outlines the percentages used to calculate and determine the distribution of DSH funds.
- f) The total amount distributed to an individual hospital may not, under any circumstance, exceed the total uncompensated care costs (DSH limit) for that facility, therefore, the Division may opt to reduce the DSH allotment accordingly to prevent overpayments withing the year.

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

(a) Regulated businesses:

(i) Adverse and beneficial effects:

DHCFP anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of the regulation. There will be no direct or indirect cost to regulated or small businesses. DHCFP believes that there will be no beneficial effects, either direct or indirect on regulated or small businesses as the result of these regulations.

(ii) Immediate and long-term effects:

DHCFP does not anticipate any immediate effects, either adverse or beneficial, on regulated or small businesses because of these regulations. DHCFP does not anticipate any long-term effects, either adverse or beneficial, on regulated or small businesses because of these regulations.

(b) The public:

(i) Adverse and beneficial effects:

DHCFP anticipates no adverse effects, either direct or indirect, on the public as the result of the regulation. There will be no direct or indirect cost to the public. DHCFP believes that there will be no beneficial effects, either direct or indirect on the public as the result of these regulations.

(ii) Immediate and long-term effects:

DHCFP does not anticipate any immediate effects, either adverse or beneficial, on the public because of these regulations. DHCFP does not anticipate any long-term effects, either adverse or beneficial, on the public because of these regulations.

The estimated cost to the Division for enforcement of the proposed regulation: DHCFP does not anticipate incurring any additional cost for these proposed temporary regulations.

Methods used by the agency in determining the impact on a small business: The Division reached out to the Nevada Hospital Association (NHA) to determine if any of the DSH Hospitals could be deemed to be impacted as a small business. NHA confirmed that no DSH hospitals met the definition of a small business. The Division additionally reviewed prior NAC changes and personally reached out to the two hospitals historically impacted. Both hospitals additionally confirmed that they do not meet the definition of a small business. As there are no

hospitals participating in the DSH program that meet the definition of a small business as defined by NRS 233B, the Division concludes there is no impact to small businesses in Nevada.

Establishment of new fee or increase of an existing fee: DHCFP does not anticipate the establishment of any new fees or any increase in existing fees as a result of this regulation.

The proposed regulation does not overlap or duplicate any existing regulation.

The proposed regulation is not required by federal law and there is no equivalent federal law.

Persons wishing to comment upon the proposed action of Nevada Division of Health Care Financing and Policy may appear at the meeting listed above or via virtual meeting or by telephone at the scheduled public hearing time or may address their comments, data, views, or arguments, in written form to Nevada Division of Health Care Financing and Policy, 1100 E William St., Ste 101, Carson City, NV 89701. Written submissions must be received by Nevada Division of Health Care Financing and Policy on or before 12:00 PM, January 13, 2023. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, Nevada Division of Health Care Financing and Policy may proceed immediately to act upon any written submission.

A copy of the notice and regulation to be adopted are available at the Nevada Division of Health Care Financing and Policy website at <https://dhcfp.nv.gov/> and the Nevada Public Notice website at <https://notice.nv.gov>. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations at <https://www.leg.state.nv.us/App/Notice/A/>, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us/>. Copies of this notice and the proposed regulation can also be mailed to members of the public at no charge upon request.

A workshop to solicit public comments on the proposed permanent regulations is scheduled for December 16, 2022, pursuant to Nevada Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption. This notice of hearing and agenda has been posted in the following locations:

DHCFP Administration Office, 1100 E. William Street, Suite 101, First Floor Lobby, Carson City, NV 89701
DHCFP Elko District Office, 1010 Ruby Vista Drive, Suite 103, Elko, NV 89801
DHCFP Reno District Office, 745 W. Moana Lane, Suite 200, Reno, NV 89509
DHCFP Las Vegas, District Office, 1210 S. Valley View, Las Vegas, NV 89102
Nevada State Library and Archives, 100 Stewart Street, Carson City, NV 89701
Legislative Counsel Bureau, 401 S. Carson Street, Carson City, NV 89701
Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV 89101

Date Posted: December 13, 2022