

Joe Lombardo  
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.*



Stacie Weeks,  
JD MPH  
Administrator

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*Si necesitas ayuda traduciendo este mensaje, por favor escribe a [dhcftp@dhcftp.nv.gov](mailto:dhcftp@dhcftp.nv.gov), o llame (702) 668-4200 o (775) 687-1900*

## NOTICE OF INTENT TO ACT UPON A REGULATION

### Notice of Public Hearing for the Adoption of Regulations of the Nevada Department of Health and Human Services

The Division of Health Care Financing and Policy (DHCFP), on behalf of the Department of Health and Human Services (Department), will hold a public hearing to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 439B of the Nevada Administrative Code (NAC).

**Tuesday, October 1, 2024, at 1:00 PM**

Division of Health Care Financing and Policy  
4070 Silver Sage Drive  
Main Conference Room  
Carson City, Nevada 89701

#### **Teleconference/Microsoft Teams Option**

Join the Meeting at <https://tinyurl.com/NAC100124>

Call in by Phone (audio only) at (775) 321-6111, Event Number 449 484 890#

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

The following information is provided pursuant to the requirements of NRS 233B.0603:

DHCFP, on behalf of the Department, is providing the following statements pertaining to the public hearing on the proposed regulation for the establishment of an All-Payer Claims Database (APCD) in the state of Nevada required by Nevada Revised Statutes (NRS) Chapter 439B.

#### **1. Need and Purpose of the Proposed Regulation:**

In support of existing law and through regulatory authorities, Senate Bill 40 was passed in the 81<sup>st</sup> (2021) Session of the Nevada Legislature and signed into law on June 7, 2021. The Bill includes the establishment and the implementation of an All-Payer Claims Database (APCD) to collect, manage, and analyze healthcare claims data from all payers in Nevada. The purpose is to enhance transparency, improve healthcare quality, and reduce costs by providing comprehensive data on healthcare utilization, costs, and outcomes.

The primary purpose of an APCD is to collect and analyze healthcare claims data from all payers, including Medicaid, Medicare, and other public and private payers. This comprehensive data collection will enable the state to monitor healthcare utilization, cost, and quality. Access to APCD data will help the state evaluate the impact of programs,

demonstrations, and initiatives, as well as support health policy decisions related to healthcare and payment initiatives, to foster a more efficient healthcare system.

In accordance with NRS Chapter 439B, an APCD is a database that includes medical claims, pharmacy claims, dental claims, eligibility information, and provider files collected from Nevada’s healthcare payers who will be reporting data directly to the APCD.

NRS Chapter 439B gives the Department the authority to adopt regulations that:

- Form an advisory committee appointed by the Department to make recommendations regarding the collection, analysis, and reporting of data in the APCD.
- Require certain entities to register with the Department to provide data.
- Establish certain requirements for submitting data to the APCD.
- Authorize data submitters to request a variance or an extension of time to submit data to the database.
- Establish procedures for the correction of erroneous data.
- Enforce penalties for certain violations and describes the procedure for imposing the penalties.

## **2. Access to Proposed Regulation Prepared by Legislative Counsel Bureau (LCB)**

Access to text of the proposed regulations prepared by the Legislative Counsel Bureau pursuant to [NRS 233B.063](#), may be obtained by visiting the website of the Nevada Legislature at <https://www.leg.state.nv.us/>, hovering over the term “Law Library,” hovering over the term “Nevada Register.” Clicking upon the term “Browse,” and then clicking upon the term “Numerical Index” appearing under the Category “2023 Regulations.” Access may then be obtained by simply scrolling down the list of LCB File Numbers to seek “R104-23RP2” and then specifically clicking upon the designation “R104-23RP2.”

For immediate access to the document, please click on the following link:

<https://www.leg.state.nv.us/Register/2023Register/R104-23RP2.pdf>

## **3. Estimated Economic Effects on Businesses:**

- a. Adverse: Potential Initial costs for businesses to comply with data submission requirements.
- b. Beneficial: Improved data access and analytics can lead to better business decision-making and potential cost savings.
- c. Immediate: Potential costs and immediate participation required with setting up data submission processes.
- d. Long-Term: Potential for cost savings and improved business strategies due to better data insights.

## **4. Estimated Economic Effects on the Public:**

- a. Adverse: No adverse/negative public effects identified.
- b. Beneficial: Enhanced healthcare transparency, improved healthcare outcomes, and potential reduction in healthcare costs.
- c. Immediate: Improved access to healthcare data.
- d. Long-Term: Overall improvement in healthcare quality and reduced costs.

## **5. Methods Used to Determine the Impact on Small Businesses:**

As part of DHCFP’s due diligence, a small business impact survey was distributed on 5/17/23, 6/12/23, and a final reminder on 7/12/23. The survey was sent to 223 subscribers via the DHCFP Listserv, but only 5 responses were received. It was also posted on the DHCFP website and shared with the Division of Insurance and the Department of

Business and Industry for further distribution to small businesses. The purpose of the survey was to determine if any small businesses might be impacted by the APCD. It asked respondents about their employee count (150 or fewer), financial impacts, and potential direct or indirect adverse effects or benefits. Based on the survey responses, it was determined that the APCD would not affect small businesses as defined by NRS 233B. The Division concludes that there is no impact on small businesses in Nevada.

Additionally, DHCFP held two public workshops to gather further input, which was considered in assessing the impact of these regulations on our data submitters. Materials from these public workshops can be accessed online at the following links:

- 8/30/2023 - All-Payer Claims Database Regulations:  
[https://dhcfp.nv.gov/Public/AdminSupport/MeetingArchive/Workshops/2023/Workshops\\_2023/](https://dhcfp.nv.gov/Public/AdminSupport/MeetingArchive/Workshops/2023/Workshops_2023/)
- 2/2/2022 - All-Payer Claims Database (APCD) Procurement Plan Listening Session:  
[https://dhcfp.nv.gov/Public/AdminSupport/MeetingArchive/Workshops/2022/Workshops\\_2022/](https://dhcfp.nv.gov/Public/AdminSupport/MeetingArchive/Workshops/2022/Workshops_2022/)

#### **6. Estimated Costs to the Agency for Enforcement:**

The estimated cost to the agency for enforcement of the proposed regulation includes administrative costs, costs for data management infrastructure, and costs for ongoing monitoring and compliance activities which is expected to be managed within the current budget of the Department. This includes costs associated with contracting a vendor to maintain the APCD throughout its lifecycle. However, Centers for Medicare and Medicaid Services (CMS) is assisting with the funding of the APCD. Additionally, in the event of non-compliance, penalties will be enforced which could contribute to funding APCD efforts.

#### **7. Overlap or Duplication with Other Regulations:**

The proposed regulations do not overlap or duplicate any other Nevada state or federal regulations.

#### **8. Whether the Proposed Regulations are Required by Federal Law:**

This is not required by Federal Law. This is a state-driven regulation stemming from the NRS legislation, which supports Senate Bill 40, passed during the 81<sup>st</sup> (2021) Session of the Nevada Legislature and signed into law on June 7, 2021.

#### **9. Provisions More Stringent than Federal Regulation:**

None known at the time of this posting. This is a state-driven regulation based on NRS legislation.

#### **10. New or Increased Fees:**

The proposed regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of DHCFP may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to:

Division of Health Care Financing and Policy  
Attn: Sandie Ruybalid  
1100 E William Street, Suite 101  
Carson City, NV 89701

Written submissions must be received by DHCFP on or before **October 1, 2024**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, DHCFP may proceed immediately to act upon any written submissions. A copy of this notice and the regulation to be adopted will be on file at the State Library,

Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at Division of Health Care Financing and Policy, 4070 Silver Sage Drive, Carson City, Nevada and online at <https://dhcfp.nv.gov/> and <https://notice.nv.gov/> for inspection and copying by members of the public during business hours.

As mentioned above, this notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request. 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 has been posted at the following locations:

Division of Health Care Financing and Policy  
4070 Silver Sage Drive  
Carson City, NV 89701

Division of Health Care Financing and Policy  
1010 Ruby Vista Drive, Suite 103  
Elko, NV 89801

Division of Health Care Financing and Policy  
1210 S. Valley View Blvd.  
Las Vegas, NV 89102

Division of Health Care Financing and Policy  
745 W. Moana Lane, Suite 200  
Reno, NV 89509

Nevada State Library and Archives  
100 Stewart Street  
Carson City, NV 89701

Grant Sawyer Building  
555 E. Washington Avenue  
Las Vegas, NV 89101

Copies may also be obtained from any of the public libraries listed below:

Carson City Library  
900 North Roop Street  
Carson City, NV 89702

Clark County District Library  
833 Las Vegas Boulevard North  
Las Vegas, NV 89101

Churchill County Library  
553 South Main Street  
Fallon, NV 89406

Douglas County Library  
1625 Library Lane  
Minden, NV 89423

Elko County Library  
720 Court Street  
Elko, NV 89801

Esmeralda County Library  
Corner of Crook and 4<sup>th</sup> Street  
Goldfield, NV 89013

Eureka Branch Library  
210 South Monroe Street  
Eureka, NV 89316

Henderson District Public Library  
280 South Water Street  
Henderson, NV 89105

Lander County Library  
625 South Broad Street  
Battle Mountain, NV 8982

Lincoln County Library  
63 Maine Street  
Pioche, NV 89043

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

Mineral County Library  
110 1<sup>st</sup> Street  
Hawthorne, NV 89415

Pahrump Library District  
701 East Street  
Pahrump, NV 89041

Pershing County Library  
1125 Central Avenue  
Lovelock, NV 89419

Storey County Library  
95 South R Street  
Virginia City, NV 89440

Tonopah Public Library  
167 Central Street  
Tonopah, NV 89049

Washoe County Library  
301 South Center Street  
Reno, NV 89505

White Pine County Library  
950 Campton Street  
Ely, NV 89301