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DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

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**NOTICE OF WORKSHOP TO SOLICIT COMMENTS
ON PROPOSED TEMPORARY¹ REGULATION
LCB File No. T005-23
AND WORKSHOP AGENDA**

The Nevada Division of Insurance (“Division”) is hosting a workshop to propose the adoption, amendment, or repeal of regulations pertaining to Nevada Administrative Code (“NAC”) chapter(s) 687B.

Date: April 18, 2023
Time: 9:30 a.m.
Location: This workshop will be held virtually via Webex, which allows participation by video or telephone.*

To join by Webex, click on the URL and enter the meeting number and password when prompted.

URL : <https://doinv.webex.com/doinv/j.php?MTID=mec0955354da8bbcdfed829bbd836f3d3>
Meeting Number: 2632 053 2248
Password: TMjMts6YR42

To join by telephone, call the toll-free number and enter the access code when prompted.

Phone-in Access: 1-844-621-3956 United States Toll Free
Access Code: 2632 053 2248

If you need help using Webex, visit <https://help.webex.com>.

Live public comment and written public comment will be taken as designated in the Workshop Agenda.

* There is no physical location designated for this workshop. Accordingly, any person planning to participate must participate by using the Webex link for video access or by calling the phone-in access for telephone access. Meeting materials are available on the Division’s website at: <https://doi.nv.gov/News-Notices/Regulations/>.

¹ NRS 233B.063(3) An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

The purpose of the workshop is to solicit comments from interested persons on the general topic(s) that may be addressed in the proposed temporary regulation; and to assist in determining whether the proposed temporary regulation is likely to impose a direct and significant burden upon a small business or directly restricts the formation, operation, or expansion of a small business.

WORKSHOP AGENDA

1. Open Workshop: T005-23.
2. Presentation of Proposed Temporary Regulation.

[LCB FILE NO. T005-23P - NETWORK ADEQUACY STANDARDS PLAN YEAR 2024](#)

A REGULATION relating to insurance; requiring that a network plan satisfy certain requirements before the Commissioner of Insurance (“Commissioner”) can determine that such network plan is adequate for sale in this State; and providing for other matters properly relating thereto. A copy of the proposed regulation prepared by the Division is available by clicking on the following link: <https://www.leg.state.nv.us/Register/2023TempRegister/T005-23P.pdf>

3. Public Comment.

The meeting presenter will indicate when live public comment will be taken. Public comment may be limited to three minutes per speaker.

4. Close Workshop: T005-23.

Note: Any agenda item may be taken out of order; items may be combined for consideration by the public body; items may be pulled or removed from the agenda at any time; and discussion relating to an item may be delayed or continued at any time. The meeting presenter, within his/her discretion, may allow for public comment on individual agenda items.


A copy of all materials relating to the proposal may be obtained by visiting the Division’s internet website at <https://doi.nv.gov/News-Notices/Regulations/> or by contacting the Division (regs@doi.nv.gov or 775-687-0700). Members of the public who would like additional information about a proposed regulation may contact the Division by email to regs@doi.nv.gov. Members of the public are encouraged to submit written comments for the record no later than **April 11, 2023**. Written comments may be emailed to regs@doi.nv.gov or mailed to 1818 E. College Parkway, Suite 103, Carson City, NV 89706.

We are pleased to make reasonable accommodations for attendees with disabilities. Please notify the Division of your request for reasonable accommodation in writing no later than five (5) working days before the workshop via email to regs@doi.nv.gov.

Notice of the workshop has been provided as follows:

By email to all persons on the Division's e-mail list for noticing of administrative regulations.
By email for posting by the Nevada State Library, Archives and Public Records Administrator.
By email for posting by the Nevada Legislature.
Published to the Nevada Legislature website: <https://leg.state.nv.us/>.
Published to the Division of Insurance website: <https://doi.nv.gov/>.
Published to the State of Nevada Public Notice website: <https://notice.nv.gov/>.

DATED this 31st day of March 2023.



SCOTT J. KIPPER
Commissioner of Insurance

**STATE OF NEVADA
DEPARTMENT OF BUSINESS & INDUSTRY
DIVISION OF INSURANCE**

**Determination of Necessity of Small Business Impact Statement
NRS 233B.0608(1)**

NETWORK ADEQUACY STANDARDS PLAN YEAR 2024

EFFECTIVE DATE OF REGULATION:
January 1, 2024

1. BACKGROUND.

The regulation was proposed pursuant to NRS 687B.490. The regulation amends Nevada Administrative Code (“NAC”) 687B, providing standards for measuring the adequacy of a network plan to ensure that health plan consumers can reasonably access certain providers.

The Adequacy of Network Plans section of NAC Chapter 687B provides the Commissioner of Insurance (“Commissioner”) authority to establish a Network Adequacy Advisory Council (“Council”) to provide annual recommendations regarding standards used to measure network plan adequacy.

On March 8, 2022, the Council conducted its first meeting for plan year 2024. The nine-member Council held a total of four (4) public meetings during which they conducted discussions, reviewed data, and received public input related to network adequacy. Meeting recordings and supporting documents presented during the meetings are available on the Nevada Division of Insurance (“Division”) website at doi.nv.gov. On September 8, 2022, a report including the Council’s network adequacy recommendations was submitted to the Commissioner. Based on the Commissioner’s review of the report, the Commissioner seeks to promulgate this regulation to enact network adequacy standards.

The proposed regulation also incorporates network adequacy guidance related to network adequacy standards for stand-alone dental plans or a health benefit plan offering oral pediatric services as part of the essential health benefits required under 42 U.S.C. § 18022 subsection (b)(1)(J), which has been in place since 2016. This regulation promulgation will ensure that individuals who purchase a stand-alone dental plan or a health benefit plan with oral pediatric service will have adequate access to providers when seeking care.

2. DESCRIPTION OF SOLICITATION SHOWING A CONCERTED EFFORT. NRS 233B.0608(1).

Since the implementation of the Affordable Care Act, the Division has issued guidance and promulgated regulations related to network adequacy. In doing so, to gather relevant information, the Division has held numerous public meetings. To date, the Division has received no comments suggesting that quantifying network adequacy standards in a regulation would negatively impact small businesses. Additionally, the Council’s meetings are public and include extensive discussion over network adequacy—at no time during the public meetings conducted for plan years 2018 through 2024 were any comments received that the proposed network adequacy standards would negatively impact small businesses. To determine the

proposed regulation's reach, the Division has also extensively analyzed and conducted research on network adequacy standards.

3. DOES THE PROPOSED REGULATION IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN UPON A SMALL BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A SMALL BUSINESS? NRS 233B.0608(1).

NO YES

4. HOW WAS THAT CONCLUSION REACHED? NRS 233B.0608(3).

Based on analysis conducted by Division subject matter expert staff, because many network plans already meet the proposed standards, the Division opines that the proposed regulation's impact on small business will be minimal to none. Further, the Division has held numerous public meetings regarding this matter. To date, the Division has received no comments suggesting that quantifying network adequacy standards in a regulation would negatively impact small businesses. Additionally, the Council's meetings are public and include extensive discussion over network adequacy—at no time during the public meetings conducted for plan years 2018 through 2024 were any comments received that the proposed network adequacy standards would negatively impact small businesses.

I, Nick Stosic, Commissioner of Insurance for the State of Nevada, hereby certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement is accurate. (NRS 233B.0608(3)).

1/12/2023
(DATE)



Nick Stosic
Interim Commissioner of Insurance

Small Business Impact Statement
NRS 233B.0608(2)-(4) and 233B.0609

NETWORK ADEQUACY STANDARDS PLAN YEAR 2024

1. SUMMARY OF COMMENTS RECEIVED FROM SMALL BUSINESSES. NRS 233B.0609(1)(a).

Since the implementation of the Affordable Care Act, the Division has issued guidance and promulgated regulations related to network adequacy. These activities have involved numerous public meetings concerning network adequacy. To date, the Division has received no comments that suggest that quantifying network adequacy standards in a regulation would negatively impact small businesses. Additionally, the Network Adequacy Advisory Council's meetings are public and include extensive discussion over network adequacy and at no time during the public meetings conducted for plan years 2018 through 2024 were any comments received that the proposed network adequacy standards would negatively impact small businesses.

To obtain a copy of public comments filed for this proposed regulation, contact the Nevada Division of Insurance, at 775-687-0700 or regs@doi.nv.gov.

2. HOW WAS THE ANALYSIS CONDUCTED? NRS 233B.0609(1)(b).

Division personnel deemed subject matter experts analyzed the impact to small businesses based on past regulations related to network adequacy, public meetings, and discussions. No public comments have been received related to this proposed regulation. Upon receipt of any comments from the small business community, the Division personnel responsible for this analysis will review the comments submitted and reconsider the anticipated impact to small businesses.

3. ESTIMATED ECONOMIC EFFECT ON SMALL BUSINESSES THE REGULATION IS TO REGULATE. NRS 233B.0609(1)(c).

(a) BOTH ADVERSE AND BENEFICIAL EFFECTS.

(1) Adverse: The Division does not anticipate an adverse economic effect on small businesses.

(2) Beneficial: Some Providers that qualify as small businesses may have more opportunities, options, or negotiating power due to being newly included in possible expansions of provider networks.

(b) BOTH DIRECT AND INDIRECT EFFECTS.

(1) Direct: Providers that qualify as small businesses may have more opportunities, options, or negotiating power when contracting with health insurance networks.

(2) Indirect: Small businesses that use these networks may have greater access to certain providers of healthcare.

4. METHODS CONSIDERED TO REDUCE IMPACT ON SMALL BUSINESSES. NRS 233B.0609(1)(d).

The Division does not anticipate an impact on small businesses; therefore, methods to reduce impact is not necessary.

5. ESTIMATED COST OF ENFORCEMENT. NRS 233B.0609(1)(e).

The Division anticipates no additional costs for enforcement.

6. FEE CHANGES. NRS 233B.0609(1)(f).

No new or additional fees are established.

7. DUPLICATIVE PROVISIONS. NRS 233B.0609(1)(g).


There are no other regulations that overlap or duplicate the regulation.

8. REASONS FOR CONCLUSIONS. NRS 233B.0609(1)(h).

The Division's analysis of network benefits currently offered in Nevada would indicate that the benefits added by the proposed regulation are currently offered by many network plans and, therefore, will have a minimal impact, if any, on the small business community.

I, Nick Stosic, Commissioner of Insurance for the State of Nevada, hereby certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was properly prepared, and the information contained herein is accurate. (NRS 233B.0609(2))

1/12/2023
(DATE)



Nick Stosic
Interim Commissioner of Insurance