

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS
AND
WORKSHOP AGENDA**

The State of Nevada, Department of Business and Industry, Division of Insurance (“Division”), is proposing the adoption, amendment or repeal of regulations pertaining to **chapter(s) 686A** of the Nevada Administrative Code (“NAC”). A workshop has been set for **2:00 p.m. on September 21, 2016**, at the following location:

**Nevada Division of Insurance, 1st Floor Hearing Room
1818 E. College Parkway, Suite 103
Carson City, Nevada 89706**

Interested persons may also participate through a simultaneous videoconference conducted at:

**Nevada Division of Insurance, 3rd Floor Conference Room
Bradley Building
2501 E. Sahara Avenue, Suite 302
Las Vegas, Nevada 89104**

The purpose of the workshop is to solicit comments from interested persons on the following general topic(s) that may be addressed in the proposed regulation; and to assist in determining whether the proposed 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. Please submit any written comments no later than **September 14, 2016**.

LCB File No. R119-16. Dental Claims Under a Policy of Health Insurance.
(NAC 686A)

A REGULATION relating to insurance; revising provisions relating to the forms which must be accepted by a payer for dental claims submitted under a contract for health insurance; and providing other matters properly relating thereto.

A copy of all materials relating to the proposal(s) may be obtained at the workshop or by visiting the Division’s Internet Web site at <http://doi.nv.gov/> or by contacting the Division, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, (775) 687-0700. A reasonable fee for copying may be charged. Members of the public who would like additional information about the proposed regulation may contact Kim Everett, Assistant Chief, Life and Health Section, at (775) 687-0735, or via e-mail to keverett@doi.nv.gov.

Notice of the workshop was provided via electronic means to all persons on the agency’s e-mail list for noticing of administrative regulations. This *Notice of Workshop to Solicit Comments on Proposed Regulations* was posted to the agency’s Internet Web site at <http://doi.nv.gov/>, the Nevada Legislature’s Internet Web site at <http://www.leg.state.nv.us>, and at the following locations:

Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, Nevada 89706

Department of Business and Industry
Division of Insurance
2501 East Sahara Avenue, Suite 302
Las Vegas, Nevada 89104

Legislative Building
401 South Carson Street
Carson City, Nevada 89701

Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Blasdel Building
209 East Musser Street
Carson City, Nevada 89701

Capitol Building Main Floor
101 North Carson Street
Carson City, Nevada 89701

Nevada Department of Employment,
Training and Rehabilitation
2800 E. Saint Louis Ave.
Las Vegas, NV 89104

Nevada State Library & Archives
100 North Stewart Street
Carson City, Nevada 89701

Carson City Library
900 North Roop Street
Carson City, Nevada 89701

Churchill County Library
553 South Main Street
Fallon, Nevada 89406

Douglas County Library
P.O. Box 337
Minden, Nevada 89423

Elko County Library
720 Court Street
Elko, Nevada 89801

Esmeralda County Library
P.O. Box 430
Goldfield, Nevada 89013

Eureka Branch Library
P.O. Box 293
Eureka, Nevada 89316

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445

Lander County Library
P.O. Box 141
Battle Mountain, Nevada 89820

Las Vegas-Clark County Library District
7060 W. Windmill Lane
Las Vegas, NV 89113

Lincoln County Library
P.O. Box 330
Pioche, Nevada 89043-0330

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Pershing County Library
P.O. Box 781
Lovelock, Nevada 89419

Storey County Clerk
P.O. Drawer D
Virginia City, Nevada 89440

Tonopah Public Library
P.O. Box 449
Tonopah, Nevada 89049

Washoe County/Downtown Reno Library
P.O. Box 2151
Reno, Nevada 89505-2151

White Pine County Library
950 Campton Street
Ely, Nevada 89301

Members of the public who are disabled and require special accommodations or assistance at the workshop are requested to notify the Commissioner's secretary, in writing, no later than five (5) working days before the meeting: Susan Bell, Legal Section, Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, or suebell@doi.nv.gov.

DATED this 30th day of August, 2016.


BARBARA D. RICHARDSON
Commissioner of Insurance

WORKSHOP AGENDA

The State of Nevada, Department of Business and Industry, Division of Insurance

September 21, 2016 • 2:00 p.m.

Location of Workshop:

Office of the Division of Insurance
1818 E. College Pkwy., 1st Floor Hearing Room
Carson City, NV 89706
(Division Offices located in Suite 103)

Available via Videoconference at:

Office of the Division of Insurance
2501 E. Sahara Ave., 3rd Floor Conference Room
Las Vegas, NV 89104
(Division Offices located in Suite 302)

1. **Call to Order: R119-16.**
2. **Presentation and Discussion of Proposed Regulation. (For Possible Action)**
LCB File No. R119-16. Dental Claims Under a Policy of Health Insurance.
(NAC 686A)
A REGULATION relating to insurance; revising provisions relating to the forms which must be accepted by a payer for dental claims submitted under a contract for health insurance; and providing other matters properly relating thereto.
3. **Public Comment.**

4. Closure: R119-16.

5. Adjournment.

Supporting public material for this meeting may be requested from Susan Bell, Legal Secretary, Nevada Division of Insurance, 1818 E. College Parkway, Carson City, Nevada 89706, (775) 687-0704, or suebell@doi.nv.gov.

Note: Any agenda item may be taken out of order; items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time. The Hearing Officer, within his/her discretion, may allow for public comment on individual agenda items. Public Comment may be limited to three minutes per speaker.

Members of the public are encouraged to submit written comments for the record.

We are pleased to make reasonable accommodations for attendees with disabilities. Please notify the Commissioner's secretary, in writing, no later than five (5) working days before the meeting: 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, or suebell@doi.nv.gov.

NOTICES FOR THIS MEETING HAVE BEEN POSTED IN ACCORDANCE WITH NRS 241 AT THE FOLLOWING LOCATIONS:

Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706

Nevada Division of Insurance, 2501 E. Sahara Avenue, Suite 302, Las Vegas, Nevada 89104

Nevada State Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701

Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101

Blasdel State Office Building, 209 E. Musser Street, Carson City, Nevada 89701

Nevada State Capitol, 101 N. Carson Street, Carson City, Nevada 89701

Nevada Dept. of Employment, Training and Rehabilitation, 2800 E. Saint Louis Avenue, Las Vegas, Nevada 89104

The State of Nevada Website (www.nv.gov)

The Nevada State Legislature Website (www.leg.state.nv.us)

The Nevada Division of Insurance Website (www.doi.nv.gov)

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

Determination of Necessity of Small Business Impact Statement

LCB File No. R119-16

A regulation revising provisions relating to the filing of dental claims by certain insurer's health benefit plans that include embedded dental coverage in the plan; and making the time for a claims payer to adjudicate and pay claims applicable to health benefit plans that include embedded dental coverage.

EFFECTIVE DATE OF REGULATION: Upon filing with the Nevada Secretary of State

1. **BACKGROUND**

The Commissioner of Insurance is required to promulgate regulations to require the use of uniform claim forms. NRS 679B.138.1. Nevada Administrative Code ("NAC") 686A.288 prescribes the claims form that claims payers must use. In 2015, SB 137 was enacted requiring the coordination of benefits between dental insurance and health insurance. In order to maintain claim form uniformity and ensure the coordination of benefits, claim forms must be added or updated to accommodate the use of the American Dental Association's Code on Dental Procedures and Nomenclature. The proposed regulation will add American Dental Association Form J430D, or its successor forms, to allow carriers to coordinate health and dental benefits. The proposed regulation also updates the location of the forms, pointing to online resources for access to the forms. The proposed regulation also adds dental claims to the time required for the adjudication and payment of claims. The proposed regulation also amends the time limits for a payer to adjudicate and pay dental claims.

2. **DESCRIPTION OF SOLICITATION**

- The Division reviewed the regulation and the proposed amendments to the regulation, and identified all of the parties that would be impacted by the proposed regulation. The only parties identified were those that are already required to comply with NAC 686A.288, namely claims payers (health and dental insurance carriers, and third party administrators) and claims filers (dental and medical providers, and consumers).
- The Division solicited comments from the Commissioner's Life & Health Advisory Committee (made up of various community and industry representatives with an interest in life and health insurance) to determine how health and dental insurance carriers, third party administrators, and consumers would be impacted by the proposed regulation, and to identify any other potentially affected parties.
- The Division contacted the Nevada Dental Association to determine how dental providers would be impacted by the proposed regulation as claims filers.

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 (answer #4) YES (skip to #5)

4. **HOW WAS THAT CONCLUSION REACHED? (NRS 233B.0608.3)**


The Division determined that entities affected by this proposed regulation already file claims forms for dental and medical benefits, and entities that do not currently file claims forms are not affected by the proposed regulation. Because the proposed regulation replaces two claims forms with one in order to

streamline the coordination of dental and medical benefits, the Division considered who uses the claims forms and who is affected by coordination of dental and medical benefits, and found that replacing different forms with a form that streamlines claims processing would not have a significant impact on a small businesses. To the extent that a small business would begin operating in this realm, claims forms are already required to process claims; this proposed regulation would not create an extra burden or barrier to a new small business; to the contrary, it would streamline claims for coordinated dental and medical benefits from the current process.

To determine whether the proposed changes are likely to impose a direct and significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business, the Division contacted the Nevada Dental Association. The Association did not foresee any negative financial impact on small businesses in Nevada including dental providers. In fact, this proposed regulation was requested by the Nevada Dental Association and dental providers as a means of improving the adjudication and payment of dental claims. The current regulation requires the use of claims forms that do not accommodate dental codes.

I, BARBARA D. RICHARDSON, Commissioner of Insurance for the State of Nevada, hereby certify 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 prepared properly and the information contained herein is accurate.

8/30/16
(DATE)


BARBARA D. RICHARDSON
Commissioner of Insurance

Small Business Impact Statement

LCB File No. R119-16

5. SUMMARY OF COMMENTS RECEIVED FROM SMALL BUSINESSES (NRS 233B.0609.1(a))

All comments received indicate that the regulation will have a positive impact on small businesses by improving the claims adjudication and process of the handling of coordinated dental claims. Other interested parties may receive a copy of this summary by contacting the Nevada Division of Insurance, Kim Everett, Assistant Chief, Life and Health Section, at (775) 687-0735 or keverett@doi.nv.gov.

6. ESTIMATED ECONOMIC EFFECT ON SMALL BUSINESSES THE REGULATION IS TO REGULATE (NRS 233B.0609.1(c))

The Division does not anticipate any economic effect on small businesses as a result of the proposed regulation.

7. METHODS CONSIDERED TO REDUCE IMPACT ON SMALL BUSINESSES (NRS 233B.0609.1(d))

Based on the Division's explanation in ¶ 4, this is not applicable.

8. ESTIMATED COST OF ENFORCEMENT (NRS 233B.0609.1(e))

The Division does not anticipate a change in enforcement costs for this proposed regulation.

9. FEE CHANGES (NRS 233B.0609.1(f))

This proposed regulation does not impose a fee change.

10. DUPLICATIVE PROVISIONS (NRS 233B.0609.1(g))

There are no other regulations at the state or federal level that overlap or duplicate the proposed regulation.

11. HOW WAS THE ANALYSIS CONDUCTED? (NRS 233B.0609.1(b))


To the extent practicable, the Division of Insurance made a concerted effort to contact potentially affected parties (see ¶ 2) to determine the proposed regulation's potential impact. The Division considered how current claims forms are used and how dental claims are processed, then compared that with how claims forms would be used and claims would be processed with the proposed regulation.

12. REASONS FOR CONCLUSIONS (NRS 233B.0609.1(h))

The Division determined that entities affected by this regulation already file claim forms for dental and medical benefits. Because the regulation effectively replaces two claims forms with one in order to streamline the coordination of dental and medical benefits, the Division considered who uses the claims forms and who is affected by coordination of dental and medical benefits, and found that replacing different forms with a form that streamlines claims processing would not have a significant impact on a small businesses.

I, BARBARA D. RICHARDSON, Commissioner of Insurance for the State of Nevada, hereby certify 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 prepared properly and the information contained herein is accurate.

8/30/14
(DATE)



BARBARA D. RICHARDSON
Commissioner of Insurance

**PROPOSED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R119-16

August 22, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 3, NRS 679B.130 and 686A.015; §2, NRS 679B.130, 679B.138 and 686A.015.

A REGULATION relating to insurance; revising provisions relating to the forms which must be accepted by a payer for dental claims submitted under a contract for health insurance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commissioner of Insurance to adopt regulations relating to insurance, including regulations which adopt uniform claim forms. (NRS 679B.130, 679B.138) Existing regulations require a payer of a claim under a contract for health insurance to accept a claim that: (1) is submitted on a form approved by the United States Department of Health and Human Services; and (2) contains certain required and necessary information. (NAC 686A.288) **Section 2** of this regulation: (1) requires instead that such a payer accept a claim that is submitted on a form approved by the Commissioner; (2) expands the list of approved claim forms to include a claim form published by the American Dental Association; and (3) adopts by reference the CDT 2016 Dental Procedure Codes, published by the American Dental Association, for use in the completion of the claim form.

Sections 1 and 3 of this regulation make conforming changes to existing regulations as necessary to incorporate claims submitted by dentists and other persons entitled to reimbursement using the claim form published by the American Dental Association.

Section 1. NAC 686A.282 is hereby amended to read as follows:

686A.282 A “clean claim” means a claim:

1. That contains the information required to be included for the applicable use of a form prescribed in NAC 686A.288; and

2. For which any additional information that has been requested pursuant to subsection 2 of NRS 683A.0879, 689A.410, 689B.255, 689C.485, 695B.2505 , ~~or~~ 695C.185 *or 695D.215* because of any particular or unusual circumstances that would have impeded the payer from paying the claim has been received.

Sec. 2. NAC 686A.288 is hereby amended to read as follows:

686A.288 1. The payer of a claim under a contract for health insurance:

(a) Shall accept a claim submitted on a form that:

(1) Has been approved by the ~~{United States Department of Health and Human Services}~~ *Commissioner* for the filing of a claim under a contract for health insurance; and

(2) Contains the information necessary to constitute a clean claim.

(b) Shall not require the completion of any other form for the purpose of processing the claim.

2. For the purposes of this section, a “form that has been approved by the ~~{United States Department of Health and Human Services}~~ *Commissioner*” means:

(a) For claims submitted by a hospital or other institutional provider, Centers for Medicare and Medicaid Services Form CMS-1450, which is commonly referred to as UB-04, or its successor form; ~~and~~

(b) For claims submitted by a health care practitioner or other person entitled to reimbursement, Centers for Medicare and Medicaid Services Form CMS-1500, or its successor form ~~}; and~~

(c) For claims submitted by a dentist or other person entitled to reimbursement, American Dental Association Form J430D, or its successor form, which has been completed using the

Code on Dental Procedures and Nomenclature set forth in the CDT 2016 Dental Procedure Codes, as adopted by reference in this section.

3. Form CMS-1450, also known as the UB-04 claim form, published by the National Uniform Billing Committee, is available from ~~the American Hospital Association~~ *Briggs Healthcare* on the Internet at ~~http://aha.org/, by telephone at (800) 242-2626, or by mail at 155 North Wacker Drive, Chicago, Illinois 60606,~~ <http://www.briggscorp.com>, at the price of ~~for members and \$56 for nonmembers.~~ *\$20.40*. Copies of the form may also be available through office supply stores.

4. Form CMS-1500, published by the National Uniform Claim Committee, is available from the United States Government Printing Office on the Internet website ~~http://bookstore.gpo.gov,~~ <https://bookstore.gpo.gov/>, or by mail at P.O. Box 979050, St. Louis, Missouri 63197-9000, ~~or by toll-free telephone at (866) 512-1800,~~ at the price of ~~\$29.~~ *\$32*. Copies of the form may also be available through local printing companies and office supply stores.

5. *Form ADA-J430D, published by the American Dental Association, is available from the American Dental Association on the Internet website <http://www.adacatalog.org>, at the price of \$19.95 for members and \$29.95 for nonmembers.*

6. *For purposes of this section, the CDT 2016 Dental Procedure Codes, published by the American Dental Association, is hereby adopted by reference. A copy of the publication may be obtained from the American Dental Association on the Internet website <http://www.adacatalog.org>, at the price of \$39.95 for members and \$59.95 for nonmembers.*

Sec. 3. NAC 686A.290 is hereby amended to read as follows:

686A.290 The time for a payer to adjudicate and pay claims pursuant to NRS 683A.0879, 689A.410, 689B.255, 689C.485, 695B.2505 , ~~and~~ 695C.185 *and 695D.215* begins when the payer receives a clean claim.