

## NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The State of Nevada, Department of Business and Industry, Division of Insurance (“Division”), (775) 687-0700, is proposing the adoption, amendment or repeal of regulations pertaining to chapter 690B and new chapter 695J of the Nevada Administrative Code (“NAC”), and to sections 1 through 26 of Assembly Bill 425 of the 77<sup>th</sup> (2013) Regular Session of the Nevada Legislature. A workshop has been set for **9:30 a.m., on October 30, 2013**, to be held in the 1<sup>st</sup> floor hearing room of the Division’s office located at 1818 East College Parkway, Suite 103, Carson City, Nevada 89706. Interested parties may also participate through a simultaneous videoconference to be conducted in the 2<sup>nd</sup> floor conference room of the Bradley Building, located at 2501 East Sahara Avenue, Las Vegas, Nevada 89104.

The purpose of the workshop(s) is: 1) To solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations; and 2) To assist in determining whether the proposed regulations are likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation or expansion of a small business. **Please submit any written comments no later than October 23, 2013.**

### **LCB File No. R067-13. Limited Automobile Policy Disclosure.**

A regulation relating to casualty insurance; revising provisions relating to certain notices for policies of automobile insurance; and providing other matters properly relating thereto.

### **LCB File No. R074-13. Exchange Enrollment Facilitators.**

A regulation relating to health insurance; establishing procedures for the certification of exchange enrollment facilitators; establishing duties for exchange enrollment facilitators; 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 contacting the Division, 1818 East 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(s) may contact Adam Plain, Insurance Regulation Liaison, at (775) 687-0783, or via e-mail to [aplain@doi.nv.gov](mailto:aplain@doi.nv.gov).

Notice of the workshop(s) was provided via electronic means to all persons on the agency’s e-mail list for 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>, and the Nevada Legislature’s Internet Web site at <http://www.leg.state.nv.us>, and provided to or posted at the following locations:

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

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

Capitol Press Room  
Capitol Building Basement  
Carson City, NV 89710

Donald W. Reynolds Press Center  
102 North Curry Street  
Carson City, NV 89701

Legislative Counsel Bureau  
401 South Carson Street  
Carson City, NV 89701

Office of the Attorney General  
100 North Carson Street  
Carson City, NV 89701

Blasdel Building  
209 East Musser Street  
Carson City, NV 89701

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

Office of the Governor  
Capitol Building  
Carson City, NV 89710

Carson City Courthouse  
885 East Musser Street  
Carson City, NV 89701

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

Churchill County Library  
553 South Main Street  
Fallon, NV 89406

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

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

Elko County Library  
720 Court Street  
Elko, NV 89801

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

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

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnemucca, NV 89445

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

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

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

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

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

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

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

Washoe County Library  
P.O. Box 2151  
Reno, NV 89505-2151

White Pine County Library  
950 Campton Street  
Ely, NV 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 at 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, or by calling (775) 687-0700, no later than five (5) working days prior to the workshop.

DATED this 9<sup>th</sup> day of October, 2013.

  
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SCOTT J. KIPPER  
Commissioner of Insurance

STATE OF NEVADA  
DEPARTMENT OF BUSINESS & INDUSTRY  
DIVISION OF INSURANCE

Determination of Necessity of Small Business Impact Statement

R067-13

Revising provisions relating to certain disclosures relating to automobile insurance  
To be effective upon filing with the Secretary of State

1. BACKGROUND

This proposed regulation is considered housekeeping and is necessary to be consistent with today's electronic environment. The current regulation specifies an exact method for providing notice when an automobile policy does not include public liability coverage. This proposed regulation retains the notice requirement while eliminating outdated printing requirements.

2. 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

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

The Division anticipates that the proposed regulation will ease administrative and economic burden on the insurance industry. Small businesses that have automobile insurance policies to which this proposed regulation applies are not anticipated to experience any economic burden, nor will small business be restricted, as the appropriate disclosure(s) will still be made. The Division will continue to accept comment from parties through the workshop and hearing proceedings relating to this proposed regulation and will update the analysis as appropriate.

This analysis was conducted by: Adam Plain, CPCU AIE AFSB AIAF API ARC ARE  
Insurance Regulation Liaison  
Nevada Division of Insurance

I, Scott J. Kipper, Commissioner of Insurance for the State of Nevada, 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 the statement above is accurate. (NRS 233B.0608.3)

9-27-13  
(DATE)

  
SCOTT J. KIPPER  
Commissioner of Insurance

**Small Business Impact Statement**

R067-13

4. DESCRIPTION OF SOLICITATION

N/A

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

N/A

Other interested parties may receive a copy of this summary by contacting the Insurance Regulation Liaison of the Nevada Division of Insurance, Adam Plain, at (775) 687-0783 or [aplain@doi.nv.gov](mailto:aplain@doi.nv.gov).

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

I, Scott J. Kipper, Commissioner of Insurance for the State of Nevada, certify that, to the best of my knowledge or belief, the information contained in the statement above was prepared properly and is accurate. (NRS 233B.0609.2)

\_\_\_\_\_  
(DATE)

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SCOTT J. KIPPER  
Commissioner of Insurance

STATE OF NEVADA  
DEPARTMENT OF BUSINESS & INDUSTRY  
DIVISION OF INSURANCE

**Determination of Necessity of Small Business Impact Statement**

R074-13

THE REGULATION PROPOSES STANDARDS FOR PRECERTIFICATION EDUCATION, CERTIFICATION TESTING, AND CONTINUING EDUCATION OF EXCHANGE ENROLLMENT FACILITATORS AS WELL AS DETAILING THE DUTIES OWED BY CERTIFIED EXCHANGE ENROLLMENT FACILITATORS TO CONSUMERS.

To become effective: November 29, 2013

1. **BACKGROUND**

The Patient Protection and Affordable Care Act of 2010 and the Health Care and Education Reconciliation Act of 2010, as amended, collectively known as the Affordable Care Act ("ACA") mandates and/or permits States to create new categories of persons and/or entities such as Navigators, In-Person Assisters, and Certified Application Counselors, herein collectively referred to as exchange enrollment facilitators ("EEF"). These EEFs will assist individuals and small business owners in determining eligibility for various programs offered through the ACA and in enrolling individuals and small business owners in programs for which they are deemed eligible. In order to ensure that the EEFs are sufficiently educated and accountable in their dealing with consumers, the Division of Insurance ("Division") proposed in Assembly Bill 425 ("AB 425") of the 77<sup>th</sup> (2013) Legislative Session to create a certification program for EEFs. AB 425 was enrolled by the Legislature on June 11, 2013 and approved by the Governor on June 12, 2013, with sections 1 – 26 becoming effective upon passage and approval. Section 25 of AB 425 requires the Commissioner of Insurance to adopt regulations "[f]or establishing and conducting an examination required... for the initial issuance and renewal of a certificate", "[f]or the establishment of a course of instruction as required... for the initial issuance and renewal of a certificate", and "[f]or carrying out the provisions" of the bill.

2. 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)(check one)

NO

YES

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

Nevada Revised Statute 233B.0382 defines a small business as "a business conducted for profit which employs fewer than 150 full-time or part-time employees."

The Silver State Health Insurance Exchange ("SSHIX") has announced grants to seven entities that will receive funding to operate as exchange enrollment facilitators:

1. Inter-Tribal Council of Nevada
2. Know Your Care
3. Great Basin Primary Care
4. Consumer Assistance and Resource Enterprise
5. East Valley Family Services

6. Latin Chamber of Commerce Community Foundation
7. Richard Allen Community Outreach

Each of these seven entities is a non-profit organization and outside of the statutory definition of a small business.

Other entities may receive the EEF certification for employees but these entities will not be receiving grant funding from the SSHIX. As the proposed regulation details a certification process which is opt-in by statute (no entity is forced to be an EEF) it does not impose a direct burden on any entity. The cost of opting-in is currently estimated to be approximately \$500 per person, which does not constitute a significant economic burden.

The Division does not anticipate the proposed regulation imposing a direct and significant economic burden on any small business not opting-in. The Division acknowledges that currently licensed producers of insurance are concerned that the activities of certified EEFs will impinge upon their business. It is noted that EEFs are authorized under the relevant federal legislation and this regulation is not responsible for any economic impact resulting from that legislation.

This analysis was conducted by: Adam Plain, CPCU AIE AFSB AIAF API ARC ARE  
Insurance Regulation Liaison  
Nevada Division of Insurance

I, Scott J. Kipper, Commissioner of Insurance for the State of Nevada, 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 the statement above is accurate. (NRS 233B.0608.3)

October 9, 2013  
(DATE)

  
SCOTT J. KIPPER  
Commissioner of Insurance

#### **Small Business Impact Statement**

Sections 1-26 of Assembly Bill 425 of the 77<sup>th</sup> (2013) Legislative Session

#### **4. DESCRIPTION OF SOLICITATION (NRS 233B.0609.1.a)**

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

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

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

Other interested parties may receive a copy of this summary by contacting the Insurance Regulation Liaison of the Nevada Division of Insurance, Adam Plain, at (775) 687-0783 or [aplain@doi.nv.gov](mailto:aplain@doi.nv.gov).

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

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

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

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

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

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

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

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

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

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

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

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

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

Pursuant to NRS 233B.0608.2 and the determination above that the proposed regulation is not 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, this section is not required to be completed.

I, Scott J. Kipper, Commissioner of Insurance for the State of Nevada, certify that, to the best of my knowledge or belief, the information contained in the statement above was prepared properly and is accurate. (NRS 233B.0609.2)

\_\_\_\_\_  
(DATE)

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SCOTT J. KIPPER  
Commissioner of Insurance