

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

SCOTT J. KIPPER
Commissioner

**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE**

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS
LCB File Nos. R118-24 and R122-24
AND WORKSHOP AGENDA**

The Nevada Division of Insurance (“Division”) is hosting an informal workshop to propose the adoption, amendment, or repeal of regulations pertaining to Nevada Administrative Code (“NAC”) chapter(s) 687B. The workshop shall take place as follows:

Date: **November 12, 2024**
Time: **1:30 p.m. (PST)**
Location: **This workshop will be held virtually via Webex and in person. See options below.** (For help using Webex, visit <https://help.webex.com>.)

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

URL: <https://doinv.webex.com/doinv/j.php?MTID=m4f5ae4f71a594825ada3634c24ba9827>

Meeting Number: 2867 433 6279

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: 2867 433 6279

To attend in person, the following physical locations are being made available:

Nevada Division of Insurance
1818 E. College Pkwy., Ste. 103
Carson City, NV 89706

Nevada Division of Insurance
3300 W. Sahara Ave.
Tahoe Room, Suite 430, 4th Floor
Las Vegas, NV 89102

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

The purpose of the workshop is to solicit comments from interested persons on the general topic(s) that may be addressed in the proposed regulations; and 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.

WORKSHOP AGENDA

1. Open Workshop: R118-24.
2. Presentation of Proposed Regulation.

LCB FILE NO. R118-24 – NETWORK ADEQUACY PLAN YEAR 2025

A REGULATION relating to insurance; revising the requirements that a network plan made available for sale in this State must satisfy in order for the Commissioner of Insurance to determine that the network plan is adequate; and providing other matters properly relating thereto.

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: R118-24.
5. Open Workshop: R122-24.
6. Presentation of Proposed Regulation.

LCB FILE NO. R122-24 – CONTRACTS OF INSURANCE

A REGULATION relating to insurance; establishing the manner in which an insurer under a health benefit plan is required to respond to a request from a policyholder for certain information regarding claims paid on behalf of the policyholder; and providing other matters properly relating thereto.

7. Public Comment.

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

8. Close Workshop: R122-24.

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 proposals may be obtained by visiting the Division's internet website at <https://doi.nv.gov/News-Notices/Regulations/> or by contacting the Division by email to regs@doi.nv.gov. 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 **November 5, 2024**. Written comments may be emailed to regs@doi.nv.gov or mailed to 1818 E. College Parkway, Suite 103, Carson City, Nevada 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 email 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 State of Nevada County Libraries.
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 23rd day of October 2024.



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 2025
PROPOSED REGULATION FILE NO. R118-24

EFFECTIVE DATE OF REGULATION:
January 1, 2025

1. **BACKGROUND:**

The regulation was proposed pursuant to Nevada Revised Statutes (“NRS”) 687B.490. The regulation amends chapter 687B of Nevada Administrative Code (“NAC”) by 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 chapter 687B of NAC establishes a Network Adequacy Advisory Council (“Council”) to provide annual recommendations regarding standards used to measure network plan adequacy.

On March 16, 2023, the Council conducted its first meeting for plan year 2025. 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 14, 2023, 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 incorporates network adequacy guidance related to network adequacy standards for a network plan, other than a stand-alone dental plan or a network 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 is intended to help individuals who purchase a health benefit plan, other than a stand-alone dental plan or a health benefit plan with oral pediatric services, have 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 2025 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).

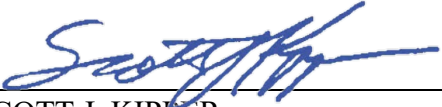
NO YES

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 2025 were any comments received that the proposed network adequacy standards would negatively impact small businesses.

I, SCOTT J. KIPPER, 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).

October 23, 2024
(DATE)



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)**

CONTRACTS OF INSURANCE
PROPOSED REGULATION FILE NO. R122-24

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

1. BACKGROUND.

Nevada Revised Statutes (“NRS”) NRS 687B.355 requires insurers to release claims data to insureds upon request. It is the Division’s experience that the claims data given by insurers to insureds under this statute is not in a consistent format or with consistent contents from insurer to insurer. This reduces the utility of the information. The proposed regulation would standardize the format and contents of the reports required by the statute to ensure that useful information is presented in a usable format every time a request is made.

2. DETERMINATION AS TO SMALL BUSINESS IMPACT.

A. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business?

NO YES, see the Small Business Impact Statement.

B. Does the proposed regulation directly restrict the formation, operation, or expansion of a small business?

NO YES, see the Small Business Impact Statement.

C. What methods did the agency use to determine the impact of the proposed regulation on a small business?

A subcommittee was formed from the Commissioner’s Agent Advisory Council to research this issue and create a detailed experience report whereby all carriers can provide sufficiently detailed experience data, which will aid policyholders in making informed decisions regarding policy renewal. The subcommittee consisted of Division staff and brokers who regularly request this type of information for the renewal of a health insurance policy.

D. What are the reasons for the agency’s conclusions?

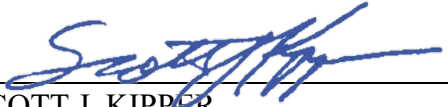
The proposed regulation only applies a compliance burden to insurers. By definition (NRS 233B.0382), very few insurers qualify as small businesses. For those that do, it is anticipated that

compliance with this regulation will impose no new burden as the actual burden falls under the enabling statute and not a regulation that only prescribes a format for the reporting.

I, SCOTT J. KIPPER, 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).

October 23, 2024

(DATE)



SCOTT J. KIPPER
Commissioner of Insurance