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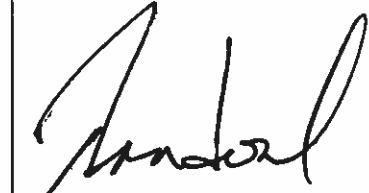
Dept. of Business and Industry

Division of Insurance

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____



Governor's signature

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action. Emergency regulation to amend NAC 695F.500. The recent tragedy in Las Vegas has greatly impacted the demand for counseling and mental health support services. Many Nevada employers rely upon counseling services for employees and family members provided through Employee Assistance Programs ("EAPs"). Existing Nevada regulation, Nevada Administrative Code 695F.500, limits the number of counseling sessions under an EAP to no more than three within a six-month period. It has been determined that additional mental health services to employees and family members are needed to ensure employees and family members can receive the support services they need until they are able to transition into mental health care, if needed, through their insurance plan. Adoption of this emergency regulation will allow EAPs to provide more frequent interventions to help employees and family members heal from pain inflicted by this most disturbing and despicable assault on our community.

Authority citation other than 233B NRS 679B.130, 233B.0613

Notice date N/A

Date of Adoption by Agency 10/6/17

Hearing date N/A

BRIAN SANDOVAL
Governor

STATE OF NEVADA

C.J. MANTHE
Director

BARBARA D. RICHARDSON
Commissioner



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STATEMENT OF EMERGENCY
Pursuant to NRS 233B.0613.1

October 6, 2017

The Honorable Brian Sandoval
Governor of the State of Nevada
Executive Chambers
101 N. Carson Street, Suite 1
Carson City, Nevada 89701

HAND DELIVERED

Re: Emergency Regulation Concerning Employee Assistance in Response to Recent Tragic Shooting

Dear Governor Sandoval:

As the chief officer of the Division of Insurance, I have determined that an immediate need exists for an emergency regulation based on the recent tragedy in Las Vegas. Therefore, I present this Statement of Emergency for your endorsement as required by NRS 233B.0613.

The recent tragedy in Las Vegas has greatly impacted the community and the demand for counseling and mental health support services. Many Nevada employers rely upon counseling services for employees and family members provided through Employee Assistance Programs ("EAPs"). Existing Nevada regulation, Nevada Administrative Code 695F.500, limits the number of counseling sessions under an EAP to no more than three within a six-month period.¹ It has been determined that additional mental health services to employees and family members²

¹ Very recently, the Division had initiated the rulemaking process to amend the three-visit limit to six visits. However, this regulation will not be in effect soon enough to address the immediate mental health care need for employees in Las Vegas, and it does not allow for additional services if circumstances so require.

² Many of the employees and family members work in Las Vegas' hospitality industry.

are needed to ensure employees and family members can receive the support services they need until they are able to transition into mental health care, if needed, through their insurance plan.

This emergency regulation will provide help sooner to restore health and functionality of employees and family members in Las Vegas, and allow them to re-engage in the community. Adoption of this emergency regulation will allow EAPs to provide more frequent interventions to help employees and family members heal from pain inflicted by this most disturbing and despicable assault on our community.

As this emergency regulation is necessary to provide immediate additional services for mental health and support due to the tragedy in Las Vegas, your endorsement is requested. Thank you for your consideration and assistance in this important matter.

Very truly yours,



BARBARA D. RICHARDSON
Commissioner of Insurance

Enclosures: Emergency Regulation
Informational Statement Pursuant to NRS 233B.066.1(a), (g)-(k), -.2

cc: C.J. Manthe, Director, Department of Business & Industry
Kathryn Reynolds, General Counsel, Office of the Governor
Brenda Erdoes, Legislative Counsel, Legislative Counsel Bureau
Administrator, State Library and Archives
Nick Stosic, Insurance Regulation Liaison
Mackay Moore, Chief Insurance Examiner, Life and Health Section

**EMERGENCY REGULATION OF THE
COMMISSIONER OF INSURANCE**

EXPLANATION – Matter in underline is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-2, NRS 679B.130, 695F.040, 695F.300 and 233B.0613.

A REGULATION relating to insurance; defining exemption under certain circumstances of program for abuse of alcohol or other substances.

Section 1. NAC 695F.500 is hereby amended as follows:

695F.500 For the purposes of NRS 695F.040, “limited health service” does not include a program which, pursuant to a contract with an employer or labor union, provides for consultations with employees or the members of employees’ families to identify problems regarding their physical or mental health or the abuse of alcohol or other substances, and for the referral of those persons to providers of health care or other resources in the community for counseling, therapy or treatment, if:

1. The purpose of the contract, as it relates to the provision of those services, is to maintain or improve the efficiency of employees by assisting in the alleviation of personal problems affecting their performance.
2. The contract does not authorize the provision of counseling, therapy or treatment for problems regarding physical or mental health or the abuse of alcohol or other substances.
3. The contract does not require any employee, member of an employee’s family or other person eligible for services under the contract to pay, directly or indirectly, any prepaid or periodic charge, copayment or other fee for any services under the contract for the alleviation of problems regarding physical or mental health or the abuse of alcohol or other substances, unless such a payment is:

(a) Part of the regular union dues of an employee; or

(b) A benefit provided by an employer on behalf of an employee and

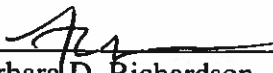
members of the employee's family, which does not affect the amount of compensation or other benefits to which the employee is entitled.

4. No individual employee or member of an employee's family consults with a representative of the program to receive services pursuant to the contract on more than [~~three~~] six occasions within any period of 6 months, or as otherwise approved by the Commissioner.

5. The operator of the program, at least once every 24 months, meets the burden of proof set forth in NAC 695F.510.

The Commissioner of Insurance has made a finding that an emergency affecting the health and safety of the public exists, and that adoption of the Emergency Regulation is appropriate.

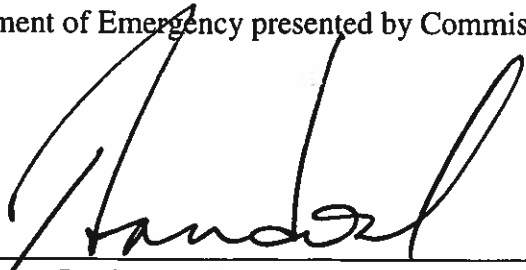
Dated this 6th day of October, 2017.



Barbara D. Richardson
Commissioner of Insurance

I, Governor Brian Sandoval, endorse the Statement of Emergency presented by Commissioner of Insurance, Barbara D. Richardson.

Dated this 9th day of October, 2017.



Brian Sandoval
Governor

**STATE OF NEVADA
DIVISION OF INSURANCE**

**INFORMATIONAL STATEMENT
PURSUANT TO NRS 233B.066.1(a), (g)–(k) and (2)¹
RE: EMERGENCY REGULATION**

October 6, 2017

The following statement is submitted for the emergency regulation amending Nevada Administrative Code section 695F.500.

1. NRS 233B.066.1(a): A clear and concise explanation of the need for the adopted regulation:

The recent tragedy in Las Vegas has greatly impacted the community and the demand for counseling and mental health support services. Many Nevada employers rely upon counseling services for employees and family members provided through Employee Assistance Programs (“EAPs”). Existing Nevada regulation, Nevada Administrative Code 695F.500, limits the number of counseling sessions under an EAP to no more than three within a six-month period. It has been determined that additional mental health services to employees and family members are needed to ensure employees and family members can receive the support services they need until they are able to transition into mental health care, if needed, through their insurance plan.

This emergency regulation will allow additional support sooner to restore health and functionality of employees and family members in Las Vegas, and allow these employees and family members to re-engage in the community. Adoption of this emergency regulation will allow EAPs to provide more frequent interventions to help employees and family members heal from pain inflicted by this most disturbing and despicable assault on our community.

2. NRS 233B.066.1(g): The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

(a) Both adverse and beneficial effects:

(1) On Business:

Beneficial effects: The effects of a catastrophic event on employees can negatively impact business operations. This regulation provides flexibility to allow more frequent mental health interventions in the workplace following catastrophic events, which will have a beneficial economic impact on businesses by helping restore the health and functionality of

¹ The requirements of NRS 233B.066.1 paragraphs (b) to (f), inclusive, do not apply to emergency regulations. NRS 233B.066.2.

employees and family members to re-engage in the community and resume business operations.

Adverse effects: *None anticipated.*

(2) On the Public:

Beneficial effects: Employees and family members will benefit from more access to mental health counseling provided through Employee Assistance Programs (EAPs) immediately following a catastrophic event until they are able to transition to services through their insurance plan. When employees and family members are re-engaged in the community, a community can more easily move toward recovery.

Adverse effects: *None anticipated.*

(b) Both immediate and long-term effects:

(1) On Business:

Immediate effects: Following the mass shooting in Las Vegas, carriers would like to offer additional mental health services to employees and family members to ensure they are coping properly until they are able to transition into more regular mental health care, if needed, through their insurance plan. The current regulation limits the number of services to three. Very recently, the Division had initiated the rulemaking process to amend the three-visit limit to six visits. However, this regulation will not be in effect soon enough to address the immediate mental health care need for employees in Las Vegas, and it does not allow for additional services if circumstances so require. This emergency regulation will provide help sooner to restore health and functionality of employees and family members, and allow them to re-engage in the community.

Long-term effects: This regulation provides flexibility to allow more frequent mental health interventions in the workplace following catastrophic events, which will have a long-term beneficial impact on businesses by helping restore the health and functionality of employees and family members to re-engage in the community and resume business operations.

(2) On the Public

Immediate effects: Increasing the limits to access mental health counseling provided through EAPs will allow employees to access the amount of support they need so that they may resume their engagement in the workplace. A resilient workforce helps the community heal, which, in turn, restores business operations and helps the public re-engage in the community.

Long-term effects: *Through increased limits to access mental health counseling provided through EAPs, employees can access the amount of support they need and be better prepared to handle catastrophic events in the future.*

3. NRS 233B.066.1(h): The estimated cost to the agency for enforcement of the proposed regulation.

There would be little or no cost to the Division for enforcement of this regulation.

4. NAC 233B.066.1(i): A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

This emergency regulation does not overlap or duplicate any other regulation.

5. NAC 233B.066.1(j): If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

Not applicable.

6. NAC 233B.066.1(k): If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

Not applicable.