



December 18, 2019

Carrie Embree, LSW  
Consumer Health Advocate  
3416 Goni Road, Bldg. D-132  
Carson City, NV 89706

RE: Regulations pertaining to AB469

Dear Ms. Embree,

On behalf of the Nevada Association of Health Plans (NVAHP), I am writing to express concerns among our member companies that the Assembly Bill (AB) 469 regulations have yet to be adopted with regards to the Opt-In Process for self-funded employers and the Arbitration process in advance of the January 1, 2020 effective date of implementing the legislation.

We are concerned that since a permanent, temporary or emergency regulations pertaining to the Opt-In process or the Arbitration process has not been adopted, that it makes it more likely that the roll out of the Surprise billing requirements could result in members being balanced billed, confusion with Medical Providers and Medical Facilities as to which self-funded Payers have Opted-In, and which patients are covered by the Surprise billing requirements. Additionally, Payers, medical providers and medical facilities will not know the rules on the arbitration process.

NVAHP previously participated in the August 28, 2019 Public Workshop regarding regulations pertaining to AB469 and sent a letter to Office of Consumer Health Advocate (OCHA) (attached) detailing our concerns. On November 18, 2019, almost three months after the Workshop, we received Draft Permanent Regulations (LCB File No. R101-19).

Since the regulation is still in draft form and it appears that the regulation process will carry into 2020, all Payers, Medical Facilities and Providers are in limbo as to the final rules on the Opt-In and Arbitration process.

The Health Insurance Industry worked very hard on passage of this important legislation with the understanding that it would be difficult to comply with key provisions. We were hopeful that there was enough time between engrossment and the effective date that regulations would be promulgated and a clear path for compliance would be afforded to the industry. That has not occurred.

We recommend that an emergency regulation be adopted until either a temporary or permanent regulation can be adopted. Additionally the Health Department should consider whether a safe harbor for all parties should be put in place for Payers, Facilities and Provider when the parties attempt to comply with AB 469 until regulations are adopted.

NvAHP is willing to participate in the rule making process and assist OCHA in providing updates to its member plans and the health insurance industry. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack Kim', with a long horizontal flourish extending to the right.

Jack Kim  
President

cc: Allison Combs, Policy Director, Governor Sisolak's Office  
Assemblyman Jason Frierson, Speaker, Nevada State Assembly  
Senator Nicole Cannizzaro, Majority Leader, Nevada State Senate  
Richard Whitley, Director, Nevada Department of Health and Human Services