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**Form for Filing**
**Administrative Regulations**

**Agency**

**Dept. of Business and Industry**

**Division of Insurance**

FOR EMERGENCY
REGULATIONS ONLY

**Effective date** 03/05/2020

**Expiration date** 07/03/2020

**Governor's signature**

**Classification:** ☐ **PROPOSED** ☐ **ADOPTED BY AGENCY** ☑ **EMERGENCY**

**Brief description of action.** Emergency regulation to amend NAC 687B. As COVID-19 continues to spread throughout the world, it is essential that the Nevada community take preventive measures to stop the spread of the virus in Nevada. The Division of Insurance ("Division") has determined that testing for COVID-19 may create a situation where Nevadans put off seeking medical services to determine if they have the virus due to costs they would incur for such medical services. Additionally, the Division believes having health insurers share useful information about benefits and options for medical services would help consumers and providers. Finally, the Division seeks to ensure Nevadans are able to continue getting their needed prescriptions at their normal costs despite disruptions to supplies in prescriptions.

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

**Notice date** N/A **Date of Adoption by Agency**

**Hearing date** N/A

STEVE SISOLAK
*Governor*

STATE OF NEVADA

TERRY REYNOLDS
*Director*

BARBARA D. RICHARDSON
*Commissioner*

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**STATEMENT OF EMERGENCY**
Pursuant to NRS 233B.0613.1

March 5, 2020

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

BY EMAIL & HAND DELIVERY

Re: Emergency Regulation Concerning COVID-19 and Insurance

Dear Governor Sisolak:

As the chief officer of the Division of Insurance, I have determined that an immediate need exists for an emergency regulation based on insurance coverage of medical services related to testing Nevadans for COVID-19. Therefore, I present this Statement of Emergency for your endorsement as required by NRS 233B.0613.

As COVID-19 continues to spread throughout the world, it is essential that the Nevada community take preventive measures to stop the spread of the virus in Nevada. The Division of Insurance ("Division") has determined that testing for COVID-19 may create a situation where Nevadans put off seeking medical services to determine if they have the virus due to costs they would incur for such medical services. Additionally, the Division believes having health insurers share useful information about benefits and options for medical services would help consumers and providers. Finally, the Division seeks to ensure Nevadans are able to continue getting their needed prescriptions at their normal costs despite disruptions to supplies in prescriptions.

This emergency regulation will ensure that Nevadans covered by policies of health insurance regulated by the Division are able to obtain medical services related to COVID-19 without concern for cost, and to continue obtaining prescriptions despite shortages in supplies.

As this emergency regulation is necessary to provide immediate benefits to Nevadans, 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: Terry Reynolds, Director, Department of Business & Industry
Kyle George, General Counsel, Office of the Governor
Alison Combs, Policy Director, Office of the Governor
Legislative Counsel Bureau
Administrator, State Library and Archives
Nick Stosic, Deputy Insurance Commissioner
Mark Garratt, Chief Insurance Examiner, Product Compliance 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 and 233B.0613.

A REGULATION relating to insurance; prohibiting cost-sharing for preventive services relating to COVID-19; requiring health insurers to inform consumers and providers on matters related to COVID-19; and requiring health insurers to provide coverage for off-formulary prescriptions in certain circumstances.

**Section 1.** NAC 687B is hereby amended by adding the following:

1. For the purpose of collaborating in the worldwide effort to contain COVID-19, and to ensure cost-sharing is not a barrier to testing for COVID-19, as a preventive service, a health insurer:
    a. Shall not impose an out-of-pocket cost for a provider office, urgent care center, or emergency room visit when the purpose of the visit is to be tested for COVID-19;
    b. Shall not impose an out-of-pocket cost for COVID-19 testing;
    c. Shall cover the costs of a COVID-19 immunization as one becomes available.
2. As soon as practicable, a health insurer shall issue guidance to inform its insureds and network providers about available benefits, options for medical advice and treatment through telehealth, and preventive measures related to COVID-19.
3. For the purpose of ensuring adequate access to prescription drugs due to shortages caused by supply-chain disruptions, health insurers shall provide coverage for off-formulary prescription drugs if there is not a formulary drug available to treat the insured.

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 _5___ day of March, 2020.

Barbara D. Richardson
Commissioner of Insurance

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

Dated this 5TH day of March, 2020.

Steve Sisolak
Governor

**STATE OF NEVADA**
**DIVISION OF INSURANCE**

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

March 5, 2020

The following statement is submitted for the emergency regulation adding a new section to Nevada Administrative Code section 687B.

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

   *To help contain the spread of COVID-19 in Nevada, this emergency regulation is necessary to eliminate cost barriers when obtaining certain medical services related to COVID-19.*

   *To help improve communication to Nevada's insurance consumers and network providers about the benefits, options for medical advice and treatment through telehealth, and preventive measures related to COVID-19.*

   *To ensure consumer access to necessary prescriptions when formulary prescriptions are not available due to supply disruptions.*

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: *Staying ahead of COVID-19 will reduce the economic impact on small business due to sick employees, absenteeism, and reduced productivity. Employees with health insurance policies that eliminate barriers to testing will be able to reduce the spread of the virus, which will help contain the virus and allow Nevada businesses to stay productive.*

   Adverse effects: *None anticipated.*

   (2) On the Public:

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

Beneficial effects: *Reducing the barrier to getting medical services related to identifying COVID-19 will help maintain public confidence, which will keep them engaging in normal economic activity.*

Adverse effects: *None anticipated.*

(b) Both immediate and long-term effects:

(1) On Business:

Immediate effects: *This regulation will provide an immediate benefit to Nevada businesses by our state taking a leadership role in helping to fight the spread of COVID-19.*

Long-term effects: *Limiting the impact of COVID-19 in Nevada during its earliest stages will have a substantial impact on business and Nevada's economy in the long-term. Making COVID-19 immunizations readily available to the public once the treatment is available will provide a major impact in the fight against this virus.*

(2) On the Public

Immediate effects: *Removing cost as a barrier to testing of COVID-19 will have an immediate impact on the health of Nevada's citizens. Increased knowledge and education provided by carriers to their insureds will help reduce the outbreak due to knowledge of preventive measures options.*

Long-term effects: *The ability to contain COVID-19 at its earliest stages will play a major role in the long-term health of Nevada's citizens. Removal of a cost barrier to the public's seeking early testing will greatly impact the public's long-term outlook, as will the cost of immunization once that option is available.*

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.*