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Bulletin 20-003 July 27, 2020

Clarification on Provisions for Employee Assistance Programs

The ongoing COVID-19 pandemic has greatly impacted the demand for counseling, mental health support, and other services offered through employee assistance programs ("EAPs"). Nevada regulations provide a limited health service exemption to EAPs if no individual employee or member of an employee's family consults with a representative, through the EAP, more than six occasions within any period of 6 months "or as otherwise approved by the Commissioner due to a state of emergency or declaration of disaster as proclaimed by the Governor . . . ." NAC 695F.500.4.

Governor Sisolak issued a Declaration of Emergency for COVID-19 on March 12, 2020. Given the Declaration of Emergency and the increase in the need for services caused either directly or indirectly by the COVID-19 pandemic, the Commissioner of Insurance hereby waives the limitation on the number of occasions within a six-month period currently in place under NRS 695F.500 subsection 4. This waiver will remain in place until the Declaration of Emergency is lifted.

Barbara D. Richardson
Commissioner of Insurance