

SECRETARY OF STATE  
FILING DATA

FILED.NV.SOS  
2020 MAR 15 PM8:07

**Form for Filing  
Administrative Regulations**

**Agency**

Silver State Health Insurance  
Exchange

FOR EMERGENCY  
REGULATIONS ONLY

Effective Date: 3-17-20

Expiration Date: 4-15-20

**Classification:**     Proposed                       Adopted By Agency                       Emergency

**Brief description of action** The Silver State Health Insurance Exchange (SSHIX) is submitting the proposed regulation changes for NRS Chapter 695I to implement a limited-time Exceptional Circumstance Special Enrollment Period (SEP) in response to the state's emergency declaration for the COVID-19 worldwide pandemic. These regulations define the SEP in which the SSHIX online marketplace, known as Nevada Health Link shall provide eligible Nevadans who did not seek coverage during open enrollment for plan year 2020 the opportunity to enroll in a qualified health plan.

**Authority citation other than 233B** NRS 695I.380 and 45 CFR 155.420.

**Notice Date** N/A

**Date of Adoption by Agency**

**Hearing Date** N/A

N/A



Steve Sisolak  
Governor

Florence Jameson, MD  
Chairwoman

Heather Korbulic  
Executive Director

# Silver State Health Insurance Exchange

2310 South Carson Street, Suite 2 Carson City, NV 89701 T: 775-687-9939 F: 775-687-9932

[www.nevadahealthlink.com/sshix](http://www.nevadahealthlink.com/sshix)

## STATEMENT OF EMERGENCY

Pursuant to NRS 233B.0613.1

March 17, 2020

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

BY EMAIL AND HAND DELIVERY

### **Re: Emergency Regulation to establish an Exceptional Condition Special Enrollment Period for Nevada Health Link**

Dear Governor Sisolak:

As the Executive Director of the Silver State Health Insurance Exchange (hereinafter, the Exchange), the state agency tasked by statute with oversight and operation of Nevada's public health insurance marketplace known as Nevada Health Link, I have determined that an immediate need exists for a one-time Exceptional Circumstance Special Enrollment Period (ECSEP) for qualified Nevadans who did not apply for coverage during the plan year 2020 Open Enrollment Period. Therefore I present this Statement of Emergency for your endorsement as required by NRS 233B.0631.1.

In-line with the March 12, 2020 Declaration of Emergency for the State of Nevada related to the novel coronavirus (COVID-19) pandemic, it is essential that Nevadans insure their health by enrolling in qualified health plans sold through Nevada Health Link. According to a study from the Guinn Center published in September 2019, the state of Nevada has nearly 400,000 uninsured citizens. Of those, over 120,000 are eligible for coverage on Nevada Health Link, and furthermore 77,000 are eligible for subsidized coverage. It is likely that many of Nevada's uninsured population will be exposed to, and possibly sickened by, the COVID-19 virus, and may not seek treatment due to the prohibitive costs associated with uninsured health care. Uninsured individuals who are not tested or treated may experience detrimental illness that could result in death. Untested individuals will unknowingly expose countless other Nevadans, exacerbating the virus' impact on the state and health care systems.

Enacting this regulation will offer eligible uninsured Nevadans an opportunity to enroll in a one-time Exceptional Circumstance Special Enrollment Period (ECSEP) on Nevada Health Link, whereby they will have access to comprehensive health insurance, which will cover both the

testing and the care for COVID-19 along with any other covered benefit. The more Nevadans seeking testing and care, the more state public health officials can actively track and contain the spread of COVID-19.

As this emergency regulation is necessary to provide immediate benefits to currently uninsured Nevadans, your endorsement is respectfully requested.

Thank you for consideration of this very important matter. Please feel free to contact me should you have any questions or require any additional information.

Respectfully,

Endorsed by:



Heather Korblic  
Executive Director  
Silver State Health Insurance Exchange



Governor Steve Sisolak  
State of Nevada

**EMERGENCY REGULATION OF  
THE SILVER STATE HEALTH INSURANCE  
EXCHANGE**

March 17, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

Filing of an Emergency Administrative Code

AUTHORITY: 45 CFR §155.420 and NRS 233B.0613

A REGULATION relating to an Exceptional Circumstance Special Enrollment period; setting forth certain requirements relating to the special enrollment period; and providing other matters properly relating thereto.

**SUMMARY:**

Existing law authorizes the Governor of the State of Nevada to promulgate emergency regulations, and NRS 695I.380 authorizes the Silver State Health Insurance Exchange (Exchange) Board of Directors to adopt regulations to carry out the duties and powers of the Exchange. Federal statute 45 CFR §155.420 authorizes states operating State-Based Exchanges the authority to establish exceptional circumstance Special Enrollment Periods (SEP) within the guidelines of the United States Department of Health and Human Services.

On March 12, 2020, Governor Sisolak declared a statewide emergency related to the novel coronavirus (COVID-19) pandemic disease outbreak. This emergency regulation provides the Exchange with the immediate authority to open a one-time Exceptional Circumstance SEP to allow qualified individuals who did not seek qualified health plan coverage during Open Enrollment the ability to enroll for plan year 2020 coverage.

**Section 1.** Chapter 695I of NAC is hereby amended by adding thereto a new section to read as follows:

*Authorization to establish a one-time Exceptional Circumstance Special Enrollment Period as a result of the March 12, 2020 State of Nevada Declaration of Emergency*

*1. The Executive Director shall establish a one-time Exceptional Circumstance Special Enrollment Period for qualified individuals who did not enroll during the Open Enrollment Period for plan year 2020.*

*(a) The Exceptional Circumstance Special Enrollment Period shall be open from March 17, 2020 through April 15, 2020.*

*(1) Qualified individuals who complete enrollment between March 17, 2020 and April 1, 2020 will have coverage effective April 1, 2020.*

*(2) Qualified Individuals who complete enrollment between April 2, 2020 and April 15, 2020 will have coverage effective May 1, 2020.*

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS  
AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.0613  
March 16, 2020

The following statement is submitted for an adopted amendment to Chapter 695 of the Nevada Administrative Code:

**1. A clear and concise explanation of the need for the adopted regulation**

On March 12, 2020 Governor Sisolak declared a state of emergency related to the novel coronavirus (COVID-19) worldwide pandemic.

According to a [study from the Guinn Center published in September, 2019](#), the state of Nevada has nearly 400,000 uninsured citizens. Of those, over 120,000 are eligible for coverage on Nevada Health Link, and furthermore 77,000 are eligible for subsidized coverage. It is likely that many of Nevada's uninsured population will be exposed to, and possibly sickened by, the COVID-19 virus, and may not seek treatment due to the prohibitive costs associated with uninsured health care. Uninsured individuals who are not tested or treated may experience detrimental illness that could result in death. Untested individuals will unknowingly expose countless other Nevadans, exacerbating the virus' impact on the state and health care systems.

Enacting this regulation will offer eligible uninsured Nevadans an opportunity to enroll in a one-time Exceptional Circumstance Special Enrollment Period (ECSEP) on Nevada Health Link, whereby they will have access to comprehensive health insurance, which will cover both the testing and the care for COVID-19. The more Nevadans seeking testing and care, the more state public health officials can actively track and contain the spread of COVID-19.

**2. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

**Business:**

**a. Both adverse and beneficial effects; and**

Adverse: Insurance companies who sell plans on Nevada Health Link did not conduct actuarial accounting for a potential worldwide pandemic and the costs associated with caring for a sick population spanning all demographics and age groups. A special enrollment period will likely add enrollment to each company's risk pool increasing the potential costs/claims associated with caring for COVID-19 testing and care.

Beneficial: Insurance companies rely on a mix of age groups to make for a healthy risk pool. Nevada Health Link believes that many of Nevada's uninsured population is generally made up of younger and healthier individuals. Adding young and generally healthy consumers to each insurance company's risk pool could help balance the impact of paying for COVID-19 tests and care.

Hospitals and providers will be positively impacted with the increase in patients who have insurance coverage and have a payment source for their health conditions necessitating care.

**b. Both immediate and long-term effects.**

Nevada Health Link's qualified health plan carriers could increase their enrollment which will raise their revenue in the immediate term. Long term, the costs of testing and care for Nevadans experiencing COVID-19 related symptoms will likely come at a cost that could outweigh the net positive to a company's bottom lines. In the long term the COVID-19 pandemic could come at a significant cost to Nevada Health Link's carriers and they may decide the costs outweigh the benefit and opt out of future participation on the exchange and/or increase their rates to make up for the losses.

**Public:**

**a. Both adverse and beneficial effects; and**

Adverse: The Exchange does not foresee any adverse economic impact on the public.

Beneficial: The Exchange anticipates that the eligible public will have access to an ECSEP Period that will increase the number of insured Nevadans which will likely have a positive impact on public health in a time of a public health crisis. Leveraging the Exchange's broker and Navigator partners and grantees along with enhanced marketing and outreach through the Exchange's contracted vendors will allow for a robust public messaging campaign to generate awareness of the Exceptional Circumstance Special Enrollment Period.

**b. Both immediate and long-term effects.**

The increase in Nevada's insured population will immediately ensure more covered costs for testing and care for COVID-19, which in turn will help to identify cases and assist with public health containment and mitigation strategies. Over the long term the Exchange anticipates that the public is receiving a very clear message on the importance of comprehensive health insurance and will likely take fewer risks when it comes to going without it.

**3. The estimated cost to the agency for enforcement of the proposed regulation.**

The Exchange estimates it will incur an estimated \$30,000 in direct costs for necessary technological and call-center changes for the creation of the ECSEP. This is based off initial vendor estimates of 150 development and training hours at a cost of \$200 an hour.

To ensure that Nevadan's are appropriately notified of the ECSEP, the Exchange estimates it will incur \$357,698 in marketing and advertising costs. This estimate is based off PY 2020 Open Enrollment media buys and advertising costs incurred in November, 2019, and reduced by 33% to account for the 30 day ECSEP.

To assist with the successful testing and verification of the ECSEP, the Exchange will incur \$16,720 in costs related to the extension of one Quality Analyst through April 30, 2020. This estimate is based off 22 eight-hour work days in April at a contracted rate of \$95 an hour.

**4. 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.**

There are no other state or federal government agency regulations which are duplicated or overlapped by the proposed regulations.

**5. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no provisions within this regulation change which are more stringent than the federal regulations concerning exceptional circumstance special enrollment periods for state-based exchanges.

**6. 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.**

The various proposed regulation changes do not provide new or increase any existing fees.