

Proposed Amendment to SB244

Proposed by: Black & Wadhams on behalf of Novo Nordisk

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RATIONALE: In addition to health, behavior and lifestyle treatment, FDA-approved anti-obesity medication should be available for patients prior to surgical intervention.

EXPLANATION: Matter in (1) *blue bold italics* is new language (2) variations of *green bold underlining* is language proposed to be added by amendment; (3) ~~red-strikethrough~~ is deleted language; (4) ~~purple double-strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for:

(a) Treatment for obesity, including, without limitation, coverage of:

(1) Intensive health, behavior and lifestyle treatment;

(2) At least one FDA-approved, anti-obesity medication, and

(~~2~~) (3) Any surgical intervention included in the most current Guidelines on Indications for Metabolic and Bariatric Surgery published by the American Society for Metabolic and Bariatric Surgery and the International Federation for the Surgery of Obesity and Metabolic Disorders; and

(b) The services of a diabetes prevention program for recipients of Medicaid who:

(1) Meet the eligibility requirements for the diabetes prevention program; and

(2) Have not previously participated in a diabetes prevention program while enrolled in Medicaid.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

3. As used in this section:

(a) "Diabetes prevention program" means a program that:

(1) Consists of structured sessions to create changes in behavioral health for the purpose of preventing or delaying the onset of type II diabetes;

(2) Is provided by an entity recognized by the Diabetes Prevention Recognition Program, as defined in 42 C.F.R. § 34.410.79, and is delivered in a manner authorized by that program; and

(3) Follows a CDC-approved DPP curriculum, as defined in 42 C.F.R. § 410.79.

(b) “Intensive health, behavior and lifestyle treatment” means an evidence-based, intensive, multi-component program to modify the behavior and lifestyle of a participant that:

(1) Supports healthy weight management;

(2) Meets current standards recognized by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or current clinical standards of 3 care; and

(3) Is provided:

(I) In person in an office or community-based setting;

(II) Virtually or through telehealth, as defined in 8 NRS 629.515.