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DEPARTMENT OF BUSINESS AND INDUSTRY  
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Sarah A. Bradley, J.D., MBA  
Deputy Executive Director  
Nevada State Board of Medical Examiners

**Via Email To:**  
bradleys@medboard.nv.gov

**Re: Questions regarding the scope of licensure for a utilization review agent.  
Assignment: 2023-007**

Ms. Bradley,

Thank you for reaching out to the Division of Insurance (DOI) regarding this question. My name is Jeremy Christensen, and this assignment has been referred to me for research and response on behalf of the DOI.

You are correct in that statutes regarding utilization review are limited. There isn't anything that restricts the scope of the reviewer however, there appear to be some safeguards set in place in the requirements for the registration process.

The statute that seems to be the most germane is NRS 683A.378 which outlines the prerequisites of performing a utilization review. This requires an individual be "registered with the Commissioner as an agent" or "employed by a registered agent." Additionally, in order to be registered as an agent, they must have a "medical director who is a physician," so in all cases there should be a physician somewhere up the chain that is taking responsibility, if not signing off, on any decisions. Furthermore, a plan must be provided for "appealing determinations made through utilization review."

The requirement for the medical director and appeals process provides some protection for the patients so that a non-physician will not have the final determination of medical necessity, but the initial determination may be made by such an individual. The amount of initial oversight required by the medical director is not specified.

“The Division’s jurisdiction over Title 57 is administrative in nature, and it represents the State of Nevada via its regulatory capacity. Because the Division represents the State of Nevada, it cannot provide legal advice or legal representation to private citizens or businesses. The content of this correspondence is not intended to be legal advice. You should consult a private attorney for such legal guidance or opinion.”

Sincerely,

Jeremy Christensen  
Actuarial Analyst III  
Product Compliance Section  
Nevada Division of Insurance