

SENATE BILL NO. 132—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION)

FEBRUARY 5, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing benefits for industrial insurance for certain police officers and firemen. (BDR 53-925)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to industrial insurance; providing for the availability of benefits to certain police officers and firemen for exposure to a contagious disease; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 616A of NRS is hereby amended by adding thereto
- 2 a new section to read as follows:
- 3 ***“Police officer” has the meaning ascribed to it in NRS 617.135.***
- 4 **Sec. 2.** NRS 616A.025 is hereby amended to read as follows:
- 5 616A.025 As used in chapters 616A to 616D, inclusive, of NRS,
- 6 unless the context otherwise requires, the words and terms defined in NRS
- 7 616A.030 to 616A.360, inclusive, ***and section 1 of this act*** have the
- 8 meanings ascribed to them in those sections.
- 9 **Sec. 3.** NRS 616A.035 is hereby amended to read as follows:
- 10 616A.035 1. “Accident benefits” means medical, surgical, hospital or
- 11 other treatments, nursing, medicine, medical and surgical supplies, crutches
- 12 and apparatuses, including prosthetic devices.
- 13 2. The term includes ~~medical~~ :
- 14 ***(a) Medical*** benefits as defined by NRS 617.130 ~~and any preventive~~ ;
- 15 ***(b) Preventive*** treatment administered as a precaution to an employee
- 16 who is exposed to a contagious disease while providing medical services,

1 including emergency medical care, in the course and scope of his
2 employment ~~and~~; and

3 *(c) Preventive treatment administered as a precaution to a police
4 officer or fireman who was exposed to a contagious disease:*

5 *(1) Upon battery by an offender; or*

6 *(2) While performing the duties of a police officer or fireman,
7 if the exposure is documented by the creation and maintenance of a
8 report concerning the exposure pursuant to subsection 1 of section 5 of
9 this act.*

10 3. The term does not include:

11 (a) Exercise equipment, a hot tub or a spa for an employee's home;

12 (b) Membership in an athletic or health club;

13 (c) Except as otherwise provided in NRS 616C.245, a motor vehicle; or

14 (d) The costs of operating a motor vehicle provided pursuant to NRS
15 616C.245, fees related to the operation or licensing of the motor vehicle or
16 insurance for the motor vehicle.

17 *4. As used in this section, the term:*

18 *(a) "Battery" includes, without limitation, the intentional propelling
19 or placing, or the causing to be propelled or placed, of any human
20 excrement or bodily fluid upon the person of an employee.*

21 *(b) "Preventive treatment" includes, without limitation, tests to
22 determine if an employee has contracted the contagious disease to which
23 he was exposed.*

24 **Sec. 4.** NRS 616A.265 is hereby amended to read as follows:

25 616A.265 1. "Injury" or "personal injury" means a sudden and
26 tangible happening of a traumatic nature, producing an immediate or
27 prompt result which is established by medical evidence, including injuries
28 to prosthetic devices. Any injury sustained by an employee while engaging
29 in an athletic or social event sponsored by his employer shall be deemed
30 not to have arisen out of or in the course of employment unless the
31 employee received remuneration for participation in the event.

32 2. For the purposes of chapters 616A to 616D, inclusive, of NRS:

33 (a) Coronary thrombosis, coronary occlusion, or any other ailment or
34 disorder of the heart, and any death or disability ensuing therefrom, shall be
35 deemed not to be an injury by accident sustained by an employee arising
36 out of and in the course of his employment.

37 (b) The exposure of an employee to a contagious disease while
38 providing medical services, including emergency medical care, in the
39 course and scope of his employment shall be deemed to be an injury by
40 accident sustained by the employee arising out of and in the course of his
41 employment.

42 *(c) The exposure to a contagious disease of a police officer or fireman
43 who was exposed to the contagious disease:*

- 1 ***(1) Upon battery by an offender; or***
- 2 ***(2) While performing the duties of a police officer or fireman,***
3 ***shall be deemed to be an injury by accident sustained by the police officer***
4 ***or fireman arising out of and in the course of his employment if the***
5 ***exposure is documented by the creation and maintenance of a report***
6 ***concerning the exposure pursuant to subsection 1 of section 5 of this act.***
7 ***As used in this paragraph, the term "battery" includes, without***
8 ***limitation, the intentional propelling or placing, or the causing to be***
9 ***propelled or placed, of any human excrement or bodily fluid upon the***
10 ***person of an employee.***

11 **Sec. 5.** Chapter 616C of NRS is hereby amended by adding thereto a
12 new section to read as follows:

- 13 ***1. If a police officer or fireman is exposed to a contagious disease:***
 - 14 ***(a) Upon battery by an offender; or***
 - 15 ***(b) While performing the duties of a police officer or fireman,***
16 ***the employer of the police officer or fireman shall create and maintain a***
17 ***report concerning the exposure that includes, without limitation, the***
18 ***name of each police officer or fireman, as applicable, who was exposed***
19 ***to the contagious disease and the name of each person, if any, to whom***
20 ***the police officer or fireman was exposed.***
- 21 ***2. If the employment of a police officer or fireman is terminated,***
22 ***voluntarily or involuntarily, the employer of the police officer or fireman***
23 ***shall, at the time of termination and at 6 and 12 months after the date of***
24 ***termination, provide to the police officer or fireman a blood test to screen***
25 ***for contagious diseases, including, without limitation, hepatitis A,***
26 ***hepatitis B, hepatitis C, tuberculosis and human immunodeficiency virus.***
27 ***If a blood test administered pursuant to this subsection and provided to***
28 ***the employer reveals that a former police officer or fireman has a***
29 ***contagious disease or the antibodies associated with a contagious disease,***
30 ***the police officer or fireman is eligible, during his lifetime, to receive***
31 ***compensation for such a disease and any additional diseases or***
32 ***conditions that are associated with or result from the contagious disease***
33 ***pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS.***
34 ***The former employer of a police officer or fireman shall pay all the costs***
35 ***associated with providing blood tests required pursuant to this***
36 ***subsection.***
- 37 ***3. As used in this section, the term "battery" includes, without***
38 ***limitation, the intentional propelling or placing, or the causing to be***
39 ***propelled or placed, of any human excrement or bodily fluid upon the***
40 ***person of an employee.***

41 **Sec. 6.** NRS 616C.160 is hereby amended to read as follows:
42 616C.160 If, after a claim for compensation is filed pursuant to NRS
43 616C.020:

1 1. The injured employee seeks treatment from a physician or
2 chiropractor for a newly developed injury or disease; and

3 2. The employee's medical records for the injury reported do not
4 include a reference to the injury or disease for which treatment is being
5 sought, or there is no documentation indicating that there was possible
6 exposure to an injury described in paragraph (b) **or (c)** of subsection 2 of
7 NRS 616A.265,

8 the injury or disease for which treatment is being sought must not be
9 considered part of the employee's original claim for compensation unless
10 the physician or chiropractor establishes by medical evidence a causal
11 relationship between the injury or disease for which treatment is being
12 sought and the original accident.

13 **Sec. 7.** The provisions of this act do not apply to an employee who,
14 before July 1, 1999, is receiving compensation pursuant to the provisions of
15 chapters 616A to 616D, inclusive, or chapter 617 of NRS.

16 **Sec. 8.** This act becomes effective on July 1, 1999.