

SENATE BILL NO. 53—COMMITTEE ON COMMERCE AND LABOR

PREFILED JANUARY 28, 1999

(ON BEHALF OF LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION)

Referred to Committee on Commerce and Labor

SUMMARY—Specifies information administrator of division of industrial relations of department of business and industry can require certain insurers to provide on claims the insurers process. (BDR 53-696)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

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

AN ACT relating to the division of industrial relations of department of business and industry; specifying the information that the administrator of the division can require insurers who provide industrial insurance to provide on claims those insurers process; 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.** NRS 616B.018 is hereby amended to read as follows:
2 616B.018 1. The administrator shall establish a method of indexing
3 claims for compensation that will make information concerning the
4 claimants of an insurer available to other insurers and the fraud control unit
5 for industrial insurance established pursuant to NRS 228.420.
6 2. Every insurer shall provide ***the following*** information ~~[as]~~ ***if***
7 required by the administrator for establishing and maintaining the index of
8 claims ~~[~~
9 ~~3.]~~ :
10 ***(a) The first name, last name, middle initial, if any, date of birth and***
11 ***social security number of the injured employee;***
12 ***(b) The name and tax identification number of the employer of the***
13 ***injured employee;***

1 (c) If the employer of the injured employee is a member of an
2 association of self-insured public or private employers, the name and tax
3 identification number of that association;

4 (d) The name and tax identification number of the insurer, unless the
5 employer of the injured employee is self-insured and this requirement
6 would duplicate the information required pursuant to paragraph (b);

7 (e) The date upon which the employer's policy of industrial insurance
8 that covers the claim became effective and the date upon which it will
9 expire or must be renewed;

10 (f) The number assigned to the claim by the insurer;

11 (g) The date of the injury or of the sustaining of the occupational
12 disease;

13 (h) The part of the body that was injured or the occupational disease
14 that was sustained by the injured employee;

15 (i) The percentage of disability as determined by the rating physician
16 or chiropractor;

17 (j) Which part of the body was permanently impaired, if any;

18 (k) What type of accident or occupational disease that is the subject of
19 the claim;

20 (l) The date, if any, that the claim was closed; and

21 (m) If the claim has been closed, whether the closure was:

22 (1) Automatic pursuant to the provisions of subsection 2 of NRS
23 616C.235; or

24 (2) Pursuant to the provisions of subsection 1 of NRS 616C.235,
25 and what type of compensation was provided for the claim.

26 3. The administrator shall require information provided pursuant to
27 subsection 2 to be submitted:

28 (a) In a format that is consistent with nationally recognized standards
29 for the reporting of data regarding industrial insurance; and

30 (b) Electronically or in another medium approved by the
31 administrator.

32 4. The administrator shall ensure that the requirement for an insurer
33 to provide information pursuant to subsection 2 is administered in a fair
34 and equal manner so that an insurer is not required to provide more or a
35 different type of information than another insurer similarly situated.

36 5. The provisions of this section do not prevent the administrator
37 from:

38 (a) Conducting audits pursuant to the provisions of NRS 616B.003
39 and collecting information from such audits;

40 (b) Receiving and collecting information from the reports that
41 insurers must submit to the administrator pursuant to the provisions of
42 NRS

616B.009;

1 *(c) Investigating alleged violations of the provisions of chapters 616A*
2 *to 617, inclusive, of NRS; or*

3 *(d) Enforcing the provisions of chapters 616A to 617, inclusive, of*
4 *NRS.*

5 **6.** If an employee files a claim with an insurer, the insurer is entitled to
6 receive from the administrator a list of the prior claims of the employee. If
7 the insurer desires to inspect the files related to the prior claims, he must
8 obtain the written consent of the employee.

9 ~~[4.]~~ **7.** Any information obtained from the index of claims ~~[must]~~ *may*
10 be admitted into evidence in any hearing before an appeals officer, a
11 hearing officer or the administrator.

12 ~~[5.]~~ **8.** The division may assess and collect a reasonable fee for its
13 services provided pursuant to this section. The fee must be payable monthly
14 or at such other intervals as determined by the administrator.

15 ~~[6.]~~ **9.** If the administrator determines that an insurer has intentionally
16 failed to provide the information required by ~~[this section,]~~ *subsection 2,*
17 the administrator shall impose an administrative fine of \$1,000 for ~~[each]~~
18 *the* initial violation, ~~[or]~~ *and* a fine of ~~[\$10,000]~~ *\$2,000* for a second or
19 subsequent violation.

20 **10.** *As used in this section, "tax identification number" means the*
21 *number assigned by the Internal Revenue Service of the United States*
22 *Department of the Treasury for identification.*

23 **Sec. 2.** This act becomes effective on July 1, 1999.