

ASSEMBLY BILL NO. 279—ASSEMBLYMEN LESLIE, GIBBONS,
GIUNCHIGLIANI, GOLDWATER, PARKS, ANDERSON, BUCKLEY,
CARPENTER, CHOWNING, COLLINS, FREEMAN, HUMKE, KOIVISTO,
MANENDO, MCCLAIN, NEIGHBORS, OCEGUERA, PARNELL, PRICE,
SMITH AND WILLIAMS

MARCH 6, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Provides for availability of industrial insurance benefits to providers of health care for exposure to certain contagious diseases. (BDR 53-123)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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

AN ACT relating to occupational disease; providing for the availability of industrial insurance benefits to providers of health care for exposure to certain contagious diseases; 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 617 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *Notwithstanding any other provision of this chapter and***
4 ***except as otherwise provided in this section, if an employee has a***
5 ***contagious, blood-borne disease including, without limitation, acquired***
6 ***immune deficiency syndrome, hepatitis B or hepatitis C, that results in a***
7 ***temporary or permanent disability or death, the disease is an***
8 ***occupational disease and compensable as such under the provisions of***
9 ***this chapter if:***
10 ***(a) The employee has been employed in this state as a provider of***
11 ***health care; and***
12 ***(b) It is demonstrated that:***
13 ***(1) He was exposed, during the course of that employment, to blood***
14 ***or bodily fluids of a potentially infectious nature; and***
15 ***(2) The exposure is reasonably associated with the contagious***
16 ***disease.***
17 **2. Such an employee and his dependents are excluded from the**
18 **benefits of this section if:**



1 (a) The employee was diagnosed with the contagious disease before
2 the commencement of the employment; or

3 (b) It is proven by clear and convincing evidence that the contagious
4 disease did not arise out of and in the course of the employment.

5 3. The provisions of this section apply to a provider of health care
6 who is diagnosed with a contagious, blood-borne disease after the
7 termination of the employment if the diagnosis is made within 1 year
8 after the last day of the employment.

9 4. Compensation awarded to an employee or his dependents
10 pursuant to this section must include the compensation provided in
11 chapters 616A to 616D, inclusive, of NRS for the contagious disease and
12 any additional diseases or conditions that are associated with or result
13 from the disease.

14 5. As used in this section, "provider of health care" means a person
15 who is licensed, certified or otherwise authorized by the law of this state
16 to administer health care in the ordinary course of business or practice
17 of a profession.

18 **Sec. 3.** 1. Notwithstanding any other provision of this chapter and
19 except as otherwise provided in this section, if an employee is infected
20 with antibodies associated with a contagious, blood-borne disease
21 including, without limitation, acquired immune deficiency syndrome,
22 hepatitis B or hepatitis C, and the infection results in a temporary or
23 permanent disability or death, the infection is an occupational disease
24 and compensable as such under the provisions of this chapter if:

25 (a) The employee has been employed in this state as a provider of
26 health care; and

27 (b) It is demonstrated that:

28 (1) The employee sustained a percutaneous injury from the use of a
29 sharp device while administering health care during the course of that
30 employment to a patient who has been diagnosed with such a disease;

31 (2) The employee reported the injury to his employer in compliance
32 with reporting requirements adopted by the employer; and

33 (3) A blood test administered to the employee within 12 months
34 after the date of the injury reveals that the employee has the antibodies
35 associated with the contagious disease.

36 2. Such an employee and his dependents are excluded from the
37 benefits of this section if:

38 (a) The employee tested positive for the presence of the antibodies
39 before the commencement of the employment; or

40 (b) It is proven by clear and convincing evidence that the infection did
41 not arise out of and in the course of the employment.

42 3. Compensation awarded to an employee or his dependents
43 pursuant to this section must include the compensation provided in
44 chapters 616A to 616D, inclusive, of NRS for the infection and any
45 additional diseases or conditions that are associated with or result from
46 the infection.

47 4. As used in this section:

48 (a) "Percutaneous injury" means the parenteral introduction of blood
49 or another potentially infectious material into the body of a provider of



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1 *health care through his skin during the performance of his official*
2 *duties.*

3 (b) *“Provider of health care” means a person who is licensed, certified*
4 *or otherwise authorized by the law of this state to administer health care*
5 *in the ordinary course of business or practice of a profession.*

6 (c) *“Sharp device” means any instrument used for the withdrawal of*
7 *bodily fluids, the administration of medication or fluids or any other*
8 *procedure that may cause the infliction of a percutaneous injury. The*
9 *term includes, without limitation, a needle, lancet and scalpel.*

