

ASSEMBLY BILL NO. 423--ASSEMBLYMAN HETTRICK (BY REQUEST)

MARCH 19, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing benefits for industrial insurance for exposure to contagious diseases. (BDR 53-1187)

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 industrial insurance; providing for the availability of benefits to certain employees 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.** NRS 616A.035 is hereby amended to read as follows:
2 616A.035 1. “Accident benefits” means medical, surgical, hospital
3 or other treatments, nursing, medicine, medical and surgical supplies,
4 crutches and apparatuses, including prosthetic devices.
5 2. The term includes:
6 (a) Medical benefits as defined by NRS 617.130;
7 (b) Preventive treatment administered as a precaution to an employee
8 who is exposed to a contagious disease while providing medical services,
9 including emergency medical care, in the course and scope of his
10 employment; ~~and~~
11 (c) Preventive treatment administered as a precaution to a police officer
12 or a salaried or volunteer fireman who was exposed to a contagious
13 disease:
14 (1) Upon battery by an offender; or
15 (2) While performing the duties of a police officer or
16 fireman,
17 if the exposure is documented by the creation and maintenance of a report
18 concerning the exposure pursuant to subsection 1 of NRS 616C.052 ~~H~~ ;
19 and
20 (d) *Preventive treatment administered as a precaution to an employee*
21 *who is not described in paragraph (b) or (c) and who is exposed to a*
22 *contagious, blood-borne disease in the course and scope of his*
23 *employment.*



1 3. The term does not include:
2 (a) Exercise equipment, a hot tub or a spa for an employee's home;
3 (b) Membership in an athletic or health club;
4 (c) Except as otherwise provided in NRS 616C.245, a motor vehicle; or
5 (d) The costs of operating a motor vehicle provided pursuant to NRS
6 616C.245, fees related to the operation or licensing of the motor vehicle or
7 insurance for the motor vehicle.

8 4. As used in this section, the term:

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

12 (b) "Preventive treatment" includes, without limitation, tests to
13 determine if an employee has contracted the contagious disease to which
14 he was exposed.

15 **Sec. 2.** NRS 616A.265 is hereby amended to read as follows:

16 616A.265 1. "Injury" or "personal injury" means a sudden and
17 tangible happening of a traumatic nature, producing an immediate or
18 prompt result which is established by medical evidence, including injuries
19 to prosthetic devices. Any injury sustained by an employee while engaging
20 in an athletic or social event sponsored by his employer shall be deemed
21 not to have arisen out of or in the course of employment unless the
22 employee received remuneration for participation in the event.

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

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

28 (b) The exposure of an employee to a contagious disease while
29 providing medical services, including emergency medical care, in the
30 course and scope of his employment shall be deemed to be an injury by
31 accident sustained by the employee arising out of and in the course of his
32 employment.

33 (c) The exposure to a contagious disease of a police officer or a salaried
34 or volunteer fireman who was exposed to the contagious disease:

35 (1) Upon battery by an offender; or

36 (2) While performing the duties of a police officer or
37 fireman,

38 shall be deemed to be an injury by accident sustained by the police officer
39 or fireman arising out of and in the course of his employment if the
40 exposure is documented by the creation and maintenance of a report
41 concerning the exposure pursuant to subsection 1 of NRS 616C.052. As
42 used in this paragraph, the term "battery" includes, without limitation, the
43 intentional propelling or placing, or the causing to be propelled or placed,
44 of any human excrement or bodily fluid upon the person of an employee.

45 *(d) The exposure of an employee who is not described in paragraph*
46 *(b) or (c) to a contagious, blood-borne disease, including, without*
47 *limitation, acquired immune deficiency syndrome, hepatitis A, hepatitis B*
48 *and hepatitis C, in the course and scope of his employment shall be*



- 1 *deemed to be an injury by accident sustained by the employee arising out*
2 *of and in the course of his employment.*
- 3 **Sec. 3.** NRS 616C.160 is hereby amended to read as follows:
4 616C.160 If, after a claim for compensation is filed pursuant to NRS
5 616C.020:
- 6 1. The injured employee seeks treatment from a physician or
7 chiropractor for a newly developed injury or disease; and
8 2. The employee's medical records for the injury reported do not
9 include a reference to the injury or disease for which treatment is being
10 sought, or there is no documentation indicating that there was possible
11 exposure to an injury described in paragraph (b) , ~~for~~ (c) *or (d)* of
12 subsection 2 of NRS 616A.265,
13 the injury or disease for which treatment is being sought must not be
14 considered part of the employee's original claim for compensation unless
15 the physician or chiropractor establishes by medical evidence a causal
16 relationship between the injury or disease for which treatment is being
17 sought and the original accident.
- 18 **Sec. 4.** The provisions of this act do not apply to an employee who,
19 before July 1, 2001, is receiving compensation pursuant to the provisions
20 of chapters 616A to 616D, or chapter 617 of NRS.
- 21 **Sec. 5.** This act becomes effective on July 1, 2001.

