

Assembly Bill No. 628—Committee on Commerce and Labor

FILE NUMBER.....

AN ACT relating to industrial insurance; revising the circumstances under which certain police officers and firemen are entitled to receive compensation for exposure to tuberculosis; and providing other matters properly relating thereto.

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

Section 1. NRS 616A.035 is hereby amended to read as follows:

616A.035 1. "Accident benefits" means medical, surgical, hospital or other treatments, nursing, medicine, medical and surgical supplies, crutches and apparatuses, including prosthetic devices.

2. The term includes:

(a) Medical benefits as defined by NRS 617.130;

(b) Preventive treatment administered as a precaution to an employee who is exposed to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his employment; and

(c) Preventive treatment administered as a precaution to a police officer or a salaried or volunteer fireman who ~~was~~ :

~~(1) Was~~ exposed to a contagious disease:

~~(1)~~ ~~(I)~~ Upon battery by an offender; or

~~(2)~~ ~~(II)~~ While performing the duties of a police officer or fireman,

if the exposure is documented by the creation and maintenance of a report concerning the exposure pursuant to subsection 1 of NRS 616C.052 ~~;~~ ~~or~~

~~(2) Tests positive for exposure to tuberculosis under the circumstances described in NRS 616C.052.~~

3. The term does not include:

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

(b) Membership in an athletic or health club;

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

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

4. As used in this section : ~~the term:~~

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

(b) "Preventive treatment" includes, without limitation ~~tests~~ :

~~(1) Tests~~ to determine if an employee has contracted ~~the~~ a contagious disease to which he was exposed ~~;~~ ~~and~~

~~(2) If an employee tests positive for exposure to tuberculosis under the circumstances described in NRS 616C.052, such medication and chest X-rays as are recommended by the Centers for Disease Control and Prevention of the Department of Health and Human Services.~~

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

616A.265 1. "Injury" or "personal injury" means a sudden and tangible happening of a traumatic nature, producing an immediate or prompt result which is established by medical evidence, including injuries

to prosthetic devices. Any injury sustained by an employee while engaging in an athletic or social event sponsored by his employer shall be deemed not to have arisen out of or in the course of employment unless the employee received remuneration for participation in the event.

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

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

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

(c) ~~That~~ *Except as otherwise provided in paragraph (d), the* exposure to a contagious disease of a police officer or a salaried or volunteer fireman who was exposed to the contagious disease:

(1) Upon battery by an offender; or

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

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

(d) If a police officer or a salaried or volunteer fireman tests positive for exposure to tuberculosis under the circumstances described in subsection 2 or 3 of NRS 616C.052, he shall be deemed to have sustained an injury by accident arising out of and in the course of his employment, unless the insurer can prove by a preponderance of the evidence that the exposure was not related to the employment of the police officer or fireman.

Sec. 3. NRS 616C.052 is hereby amended to read as follows:

616C.052 1. If a police officer or a salaried or volunteer fireman is exposed to a contagious disease:

(a) Upon battery by an offender; or

(b) While performing the duties of a police officer or fireman,

the employer of the police officer or fireman shall create and maintain a report concerning the exposure that includes, without limitation, the name of each police officer or fireman, as applicable, who was exposed to the contagious disease and the name of each person, if any, to whom the police officer or fireman was exposed.

2. *Except as otherwise provided in paragraph (d) of subsection 2 of NRS 616A.265, if the results of a physical examination administered pursuant to NRS 617.455 or 617.457 to a police officer or a salaried or volunteer fireman after the commencement of his employment reveal that the police officer or fireman tested positive for exposure to tuberculosis,*

the police officer or fireman is eligible, during his lifetime, to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for tuberculosis and any additional diseases or conditions that are associated with or result from tuberculosis.

3. If the employment of a police officer or a salaried or volunteer fireman is terminated, voluntarily or involuntarily, the employer of the police officer or fireman shall ~~1-at~~ :

(a) *At the time of termination and at 3 months after the date of termination, provide to the police officer or fireman a purified protein derivative skin test to screen for exposure to tuberculosis, unless the police officer or fireman previously submitted to such a test and tested positive for exposure to tuberculosis. Except as otherwise provided in paragraph (d) of subsection 2 of NRS 616A.265, if a skin test administered pursuant to this paragraph and provided to the employer reveals that the police officer or fireman tested positive for exposure to tuberculosis, the police officer or fireman is eligible, during his lifetime, to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for tuberculosis and any additional diseases or conditions that are associated with or result from tuberculosis.*

(b) *At the time of termination and at 6 and 12 months after the date of termination, provide to the police officer or fireman a blood test to screen for other contagious diseases, including, without limitation, hepatitis A, hepatitis B, hepatitis C ~~1-tuberculosis~~ and human immunodeficiency virus. If a blood test administered pursuant to this ~~subsection~~ paragraph and provided to the employer reveals that ~~1-a former~~ the police officer or ~~1-a former salaried or volunteer~~ fireman has ~~1-a~~ any other contagious disease or the antibodies associated with a contagious disease, the police officer or fireman is eligible, during his lifetime, to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for such a disease and any additional diseases or conditions that are associated with or result from the contagious disease. ~~1-pursuant to chapters 616A to 617, inclusive, of NRS.~~*

4. The former employer of a police officer or a salaried or volunteer fireman shall pay all the costs associated with providing *skin and* blood tests required pursuant to ~~1-this subsection.~~

~~3-1~~ *subsection 3.*

5. As used in this section, the term "battery" includes, without limitation, the intentional propelling or placing, or the causing to be propelled or placed, of any human excrement or bodily fluid upon the person of an employee.

Sec. 4. NRS 616C.160 is hereby amended to read as follows:

616C.160 If, after a claim for compensation is filed pursuant to NRS 616C.020:

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

2. The employee's medical records for the injury reported do not include a reference to the injury or disease for which treatment is being sought, or there is no documentation indicating that there was possible exposure to an injury described in paragraph (b) , ~~1-or~~ (c) *or (d)* of subsection 2 of NRS 616A.265,

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

Sec. 5. NRS 617.454 is hereby amended to read as follows:

617.454 *1.* Any physical examination administered pursuant to NRS 617.455 or 617.457 must include ~~the~~:

(a) A thorough test of the functioning of the hearing of the employee ~~the test~~; and

(b) A purified protein derivative skin test to screen for exposure to tuberculosis.

2. The tests required by this section must be paid for by the employer.

Sec. 6. The provisions of this act do not apply to an employee who, before July 1, 2001, is receiving compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

Sec. 7. This act becomes effective on July 1, 2001.