

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **A.B. 628**

ASSEMBLY BILL NO. 628—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF DEPARTMENT OF ADMINISTRATION—RISK MANAGEMENT)

MARCH 26, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing benefits for industrial insurance for certain police officers and firemen. (BDR 53-625)

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; 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:

- 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~~ :
13 ***(1) Was*** exposed to a contagious disease:
14 ~~(1)~~ ***(I)*** Upon battery by an offender; or
15 ~~(2)~~ ***(II)*** 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 ~~or~~ ; ***or***
19 ***(2) Tests positive for exposure to tuberculosis under the***
20 ***circumstances described in NRS 616C.052.***



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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~~ :

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

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

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

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

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

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

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

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

40 (1) Upon battery by an offender; or

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

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



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

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

9 616C.052 1. If a police officer or a salaried or volunteer fireman is
10 exposed to a contagious disease:

11 (a) Upon battery by an offender; or

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

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

19 2. *Except as otherwise provided in paragraph (d) of subsection 2 of*
20 *NRS 616A.265, if the results of a physical examination administered*
21 *pursuant to NRS 617.455 or 617.457 to a police officer or a salaried or*
22 *volunteer fireman after the commencement of his employment reveal that*
23 *the police officer or fireman tested positive for exposure to tuberculosis,*
24 *the police officer or fireman is eligible, during his lifetime, to receive*
25 *compensation pursuant to chapters 616A to 617, inclusive, of NRS for*
26 *tuberculosis and any additional diseases or conditions that are associated*
27 *with or result from tuberculosis.*

28 3. If the employment of a police officer or a salaried or volunteer
29 fireman is terminated, voluntarily or involuntarily, the employer of the
30 police officer or fireman shall ~~test~~:

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

43 (b) *At the time of termination and at 6 and 12 months after the date of*
44 *termination, provide to the police officer or fireman a blood test to screen*
45 *for other contagious diseases, including, without limitation, hepatitis A,*
46 *hepatitis B, hepatitis C ~~and tuberculosis~~ and human immunodeficiency virus.*
47 *If a blood test administered pursuant to this ~~subsection~~ paragraph and*
48 *provided to the employer reveals that ~~a former~~ the police officer or ~~a~~*
49 *~~former salaried or volunteer~~ fireman has ~~a~~ any other contagious disease*



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1 or the antibodies associated with a contagious disease, the police officer or
2 fireman is eligible, during his lifetime, to receive compensation *pursuant*
3 *to chapters 616A to 617, inclusive, of NRS* for such a disease and any
4 additional diseases or conditions that are associated with or result from the
5 contagious disease. ~~[pursuant to chapters 616A to 617, inclusive, of NRS.]~~
6 4. The former employer of a police officer or a salaried or volunteer
7 fireman shall pay all the costs associated with providing *skin and* blood
8 tests required pursuant to ~~[this subsection.]~~
9 ~~3-4~~ *subsection 3.*
10 5. As used in this section, the term "battery" includes, without
11 limitation, the intentional propelling or placing, or the causing to be
12 propelled or placed, of any human excrement or bodily fluid upon the
13 person of an employee.
14 **Sec. 4.** NRS 616C.160 is hereby amended to read as follows:
15 616C.160 If, after a claim for compensation is filed pursuant to NRS
16 616C.020:
17 1. The injured employee seeks treatment from a physician or
18 chiropractor for a newly developed injury or disease; and
19 2. The employee's medical records for the injury reported do not
20 include a reference to the injury or disease for which treatment is being
21 sought, or there is no documentation indicating that there was possible
22 exposure to an injury described in paragraph (b) , ~~to~~ (c) *or (d)* of
23 subsection 2 of NRS 616A.265,
24 the injury or disease for which treatment is being sought must not be
25 considered part of the employee's original claim for compensation unless
26 the physician or chiropractor establishes by medical evidence a causal
27 relationship between the injury or disease for which treatment is being
28 sought and the original accident.
29 **Sec. 5.** NRS 617.454 is hereby amended to read as follows:
30 617.454 1. Any physical examination administered pursuant to NRS
31 617.455 or 617.457 must include ~~to~~ :
32 (a) *A* thorough test of the functioning of the hearing of the employee ~~to~~
33 ~~The test~~ ; and
34 (b) *A purified protein derivative skin test to screen for exposure to*
35 *tuberculosis.*
36 2. *The tests* required by this section must be paid for by the employer.
37 **Sec. 6.** The provisions of this act do not apply to an employee who,
38 before July 1, 2001, is receiving compensation pursuant to the provisions
39 of chapters 616A to 616D, inclusive, or chapter 617 of NRS.
40 **Sec. 7.** This act becomes effective on July 1, 2001.

