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## Summary of AB168

- I.) Benefit Penalties (Sec. 1, 9, 10, 12, 14, 15, 16)
  - A) Acceptance of lump sum PPD does not preclude later action for fines or benefit penalty (Sec. 12)
  - B) Deletes requirement that insurer's action be "through fraud, coercion, duress or undue influence" (Sec. 14)
  - C) Broadens definition of punishable offenses to include Failure to provide compensation or authorize medial treatment "without justification."
  - D) Litigation process regarding Fines and Benefit Penalties
    - 1) Allows for appeal rights if DIR "refuses to impose" a fine or benefit penalty (Sec. 16)
    - 2) Failure of DIR to respond to a written request for the imposition of a fine or benefit penalty within 30 days shall be deemed to be a denial of the request and complaining party may pursue an appeal to the Appeals Office
    - 3) Appeals Officer hears the matter de novo
- II.) MCO Provider lists (Sec. 2, 3)
  - A) Must be one provider for each specialty for every 10,000 people per county
    - 1) Department of Administration appeals process is available "if a dispute arises pursuant to this section"
  - B) MCO contracts have a minimum amount payable to health care providers of 10 percent below the amount prescribed by the DIR Fee Schedule.
- III.) Any Willing Provider (Sec. 4, 5, 6, 8)
  - A) All providers must be allowed to treat injured employees if they agree to accept the payment amount allowed under the MCO contract.
  - B) Minimum payment allowed is 10 percent below the amount allowed by the DIR fee schedule.
  - C) Requires DIR to design a form notifying claimants of right to seek alternative treating physician (Sec. 5)
- IV.) AMA Guides (Sec. 7)
  - A) Requires DIR to adopt the "most recently published edition" of the Guides within 1 year after "publication" of that edition.
- V.) Light duty job offers (Sec. 11, 13)
  - A) Temporary jobs
    - 1) Employee has 3 days to accept or reject the job offer
    - 2) Offers must be in writing and mailed to or served upon the employee
    - 3) Acceptance or rejection of a temporary job does not effect later eligibility for vocational rehabilitation services

- B) All light duty jobs must provide for the "same seniority and benefits" as enjoyed from the pre-injury job
- VI.) Removal of safety devices (Sec. 17)
  - A) Requires a 25 percent increase in compensation to employee if
    - 1) Employer removed, or consented to removal of safeguard, OR
    - 2) If employee or his agent had requested installation of a safeguard prior to the industrial injury and employer failed to comply with the request