

Amendment No. 868

Senate Amendment to Assembly Bill No. 364 First Reprint

(BDR 53-249)

Proposed by: Committee on Commerce and Labor**Amendment Box:** Replaces Amendment No. 749.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
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Amend section 1, page 2, line 5, by deleting “5” and inserting “6”.

Amend sec. 2, page 2, line 21, by deleting “5” and inserting “6”.

Amend the bill as a whole by renumbering sections 3 through 11 as sections 4 through 12 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“**Sec. 3.** NRS 616B.630 is hereby amended to read as follows:

616B.630 1. ~~[An insurer of a contractor]~~ ***The Administrator*** shall , ***not later than 10 days after receiving notice from the advisory organization that a contractor’s coverage has lapsed,*** notify the State Contractors’ Board ~~[within 10 days after the contractor’s coverage has lapsed.]~~ ***of that fact.***

2. The Commissioner shall notify the Administrator and the State Contractors’ Board within 10 days after a contractor’s certificate of qualification as a self-insured employer is cancelled or

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withdrawn or he is no longer a member of an association of self-insured public or private employers.”.

Amend sec. 3, page 2, line 28, by deleting:

“4, 5 and 6” and inserting:

“5, 6 and 7”.

Amend sec. 4, page 2, line 29, after “4.” by inserting “1.”.

Amend sec. 4, page 2, line 31, by deleting “a quarterly” and inserting “an annual”.

Amend sec. 4, page 2, line 33, by deleting “1.” and inserting “(a)”.

Amend sec. 4, page 2, line 36, by deleting “2.” and inserting “(b)”.

Amend sec. 4, page 2, line 38, by deleting “3.” and inserting “(c)”.

Amend sec. 4, page 2, line 40, by deleting “4.” and inserting “(d)”.

Amend sec. 4, page 2, line 43, by deleting “(a)” and inserting “(1)”.

Amend sec. 4, page 2, line 44, by deleting “(b)” and inserting “(2)”.

Amend sec. 4, page 2, line 45, by deleting “(c)” and inserting “(3)”.

Amend sec. 4, page 2, after line 45, by inserting:

“2. An injured employee may request in writing from the insurer an accounting described in subsection 1. The accounting must cover the period from the date on which the most recent annual accounting was provided to the injured employee pursuant to subsection 1 to the date on which the written request is made. The insurer shall provide the accounting to the injured employee not later than 30 days after receiving the written request for the accounting from the injured employee. Any accounting provided by an insurer to an injured employee pursuant to this

subsection must be provided in addition to, and not in lieu of, the annual accountings required pursuant to subsection 1.”.

Amend sec. 5, page 3, line 1, after “5.” by inserting “1.”.

Amend sec. 5, page 3, by deleting line 3 and inserting:

“(a) The claim was closed and the claimant was not scheduled for an”.

Amend sec. 5, page 3, line 5, by deleting “2.” and inserting “(b)”.

Amend sec. 5, page 3, line 7, by deleting:

“eligible to receive compensation” and inserting:

“qualified to be scheduled for an evaluation”.

Amend sec. 5, page 3, line 9, by deleting “3.” and inserting “(c)”.

Amend sec. 5, page 3, between lines 10 and 11, by inserting:

“2. The demonstration required pursuant to paragraph (b) of subsection 1 must be made with documentation that existed at the time that the case was closed.

3. Notwithstanding any specific statutory provision to the contrary, the consideration of whether a claimant is entitled to payment of compensation for a permanent partial disability for a claim that is reopened pursuant to this section must be made in accordance with the provisions of the applicable statutory and regulatory provisions that existed on the date on which the claim was closed, including, without limitation, using the edition of the American Medical Association’s Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that was applicable on the date the claim was closed.”.

Amend sec. 6, page 3, by deleting lines 11 through 16 and inserting:

“Sec. 7. 1. If the employer of a vocational rehabilitation counselor is also the entity administering an injured employee’s case, the vocational rehabilitation counselor shall not provide services as a vocational rehabilitation counselor to the injured employee, including, without limitation, completing a written assessment pursuant to NRS 616C.550, unless, before the commencement of such services, the injured employee is provided with a written disclosure that:

(a) Discloses the relationship between the vocational rehabilitation counselor and the entity administering the injured employee’s case; and

(b) Informs the injured employee of his right to be assigned an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee’s case.

2. After receiving the written disclosure required pursuant to subsection 1, the injured employee has a right to be assigned an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee’s case. To be assigned an alternate vocational rehabilitation counselor, the injured employee must submit a written request to the entity administering the injured employee’s case before the commencement of vocational rehabilitation services. Not later than 10 days after receiving such a request, the entity administering the injured employee’s case shall assign the injured employee an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee’s case.”.

Amend sec. 7, page 3, line 18, by deleting “5” and inserting “6”.

Amend sec. 8, page 5, line 45, by deleting “5” and inserting “6”.

Amend sec. 9, page 7, line 14, by deleting “6” and inserting “7”.

Amend sec. 11, page 10, line 32, by deleting “5” and inserting “6”.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; revising provisions relating to the notices required when a contractor’s coverage lapses; requiring an insurer that makes payments of compensation to an injured employee for a permanent total disability to provide certain accountings to the injured employee; requiring an insurer to reopen a claim to consider the payment of compensation for a permanent partial disability under certain circumstances; authorizing an insurer or an injured employee to request a vocational rehabilitation counselor to prepare a written assessment of the injured employee under certain circumstances; prohibiting a vocational rehabilitation counselor who is employed by the entity administering an injured employee’s case from providing services to the injured employee under certain circumstances; providing an injured employee with the right to be assigned an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee’s case; and providing other matters properly relating thereto.”.