

Amendment No. 160

Assembly Amendment to Assembly Bill No. 58

(BDR 53-250)

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

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from AB58.

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"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sections 1 through 8, renumbering sections 9 and 10 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 616A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall prepare an annual report concerning the enforcement of the provisions of chapters 616A to 617, inclusive, of NRS through the imposition of fines and benefit penalties against insurers, organizations for managed care, health care providers, third-party administrators and employers.

2. The annual report must include, without limitation:

SH/KP

Date: 4/11/2005

A.B. No. 58—Enacts various provisions relating to industrial insurance.



(a) The total number of complaints filed with the Administrator involving alleged conduct that is sanctionable by a fine or benefit penalty;

(b) The total number of investigations conducted by the Administrator involving alleged conduct that is sanctionable by a fine or benefit penalty;

(c) The disposition of each such complaint and investigation, including, without limitation, whether the Administrator imposed or refused to impose a fine or benefit penalty and, if the Administrator imposed a fine or benefit penalty, the amount of the fine or benefit penalty; and

(d) The disposition of any administrative appeal or action for judicial review involving the decision of the Administrator to impose or refuse to impose a fine or benefit penalty.”.

Amend sec. 9, page 6, by deleting lines 6 through 14 and inserting:

“employee who, as a result of his injury, qualified for benefits for a temporary total disability pursuant to NRS 616C.475 and who receives medical treatment for his injury after he returns to work is entitled to compensation pursuant to this subsection for each hour he is absent from the place of employment of the responsible employer to receive such medical treatment if he is required to travel more than 50 miles one way from the place of employment to receive such medical treatment. An injured employee must be paid compensation pursuant to this subsection at a rate equal to the compensation paid pursuant to NRS 616C.475 for a temporary total disability. Such compensation must be calculated based on increments of 4 hours or 8 hours.”.

Amend sec. 9, page 6, lines 17 and 21, by deleting “*work*” and inserting:

“the place of employment”.

Amend sec. 9, page 6, between lines 25 and 26, by inserting:

“4. The Administrator shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations which establish:

(a) The documentation which an injured employee or employer is required to submit for the payment of compensation to the injured employee pursuant to subsection 1;

(b) The method for determining the amount of compensation to be paid to the injured employee pursuant to subsection 1; and

(c) A definition of “place of employment” as that term is used in this section.”.

Amend sec. 10, page 7, line 1, by deleting “**work**” and inserting:

“the place of employment”.

Amend sec. 10, page 7, line 2, by deleting “**9**” and inserting “**2**”.

Amend the bill as a whole by renumbering sections 11 through 14 as sections 5 through 8 and adding a new section designated sec. 4, following sec. 10, to read as follows:

“Sec. 4. NRS 616C.295 is hereby amended to read as follows:

616C.295 **1.** The Chief of the Hearings Division ~~[of the Department of Administration shall: —1.]~~ **shall:**

(a) Prescribe by regulation the qualifications and training required before a person may, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, serve as a hearing officer. Training for a hearing officer must include techniques of mediation.

~~[2.]~~ **(b)** Provide for the expediting of the hearing of cases that involve the termination or denial of compensation.

2. *From the cases heard each year by hearing officers and appeals officers regarding claims for benefits by injured employees, the Chief of the Hearings Division shall prepare an annual*

report which itemizes, on the basis of each insurer and third-party administrator, the number of cases affirmed, reversed, remanded and resolved by other disposition involving that insurer or third-party administrator, including a breakdown of that information by the type of benefits denied by the insurer or third-party administrator.

3. *As used in this section, “Chief of the Hearings Division” means the Chief of the Hearings Division of the Department of Administration.”.*

Amend sec. 11, page 7, line 31, by deleting “9” and inserting “2”.

Amend sec. 12, page 7, line 42, by deleting “9” and inserting “2”.

Amend sec. 13, page 8, by deleting lines 5 through 7 and inserting:

“Sec. 7. Section 2 of this act applies only to medical treatment which an injured employee receives for an industrial injury or a disablement from an occupational disease that occurs on or after January 1, 2006.”.

Amend sec. 14, page 8, by deleting lines 8 through 26 and inserting:

“Sec. 8. This act becomes effective upon passage and approval for the purpose of adopting regulations, and on January 1, 2006, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; requiring the preparation of certain reports concerning the enforcement of the laws governing industrial insurance and the adjudication of claims for benefits; requiring the payment of compensation for the lost wages of certain injured employees who receive medical treatment under certain circumstances; providing penalties; and providing other matters properly relating thereto.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, the Administrator of the Division of Industrial Relations of the Department of Business and Industry administers and enforces the laws governing workers' compensation. (Chapters 616A-617 of NRS) The Administrator is authorized to impose fines and benefit penalties against insurers, organizations for managed care, health care providers, third-party administrators and employers who violate those laws. (NRS 616D.120)

This bill requires the Administrator to prepare an annual report concerning the use of fines and benefit penalties to enforce the laws governing workers' compensation.

Under existing law, the Chief of the Hearings Division of the Department of Administration is charged with certain duties regarding administrative cases involving claims for workers' compensation benefits. (NRS 616C.295)

This bill requires the Chief of the Hearings Division to prepare an annual report containing information about the disposition of cases involving claims for workers' compensation benefits.

Under existing law, certain injured employees are entitled to be paid workers' compensation for an industrial injury or occupational disease. (Chapters 616A-617 of NRS)

This bill entitles certain injured employees to be paid an additional amount of workers' compensation to cover their lost wages if they must miss work and travel more than 50 miles one way from their workplace to receive medical treatment for their injury or disease. This bill prohibits

an employer from requiring the injured employee to use sick leave or any other type of personal leave while the employee is receiving such medical treatment.