

Senate Bill No. 66—Senators Hardy, Carlton,
Amodei, Heck and McGinness

Joint Sponsor: Assemblyman Hardy

CHAPTER.....

AN ACT relating to industrial insurance; providing that an injured employee who lives in this State may receive vocational rehabilitation services outside of this State under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an employee injured on a job in Nevada who is the resident of another state may seek vocational rehabilitation services in his home state. To do so, the services must be provided within 50 miles from the employee's residence. The employee must also meet certain other conditions. (NRS 615.140, 616C.580)

Existing law defines "vocational rehabilitation services" as any goods and services needed to become gainfully employed or to determine the potential for rehabilitation. (NRS 615.140)

This bill permits an injured employee who resides in Nevada to seek vocational rehabilitation services outside Nevada if such services are available at a location which is within 50 miles from the employee's residence.

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

Section 1. NRS 616C.580 is hereby amended to read as follows:

616C.580 1. Except as otherwise provided in this section, vocational rehabilitation services must not be provided outside of this State.

2. An injured employee who:

(a) ~~Lives~~ *Resides outside of this State*, within 50 miles from any border of this State, on the date of injury; or

(b) Was injured while temporarily employed in this State by an employer subject to the provisions of chapters 616A to 617, inclusive, of NRS who can demonstrate that, on the date of injury, his permanent residence was outside of this State,

→ may receive vocational rehabilitation services at a location within 50 miles from his residence if such services are available at such a location.

~~2-1~~ 3. An injured employee ~~H~~ who:

(a) Is eligible for vocational rehabilitation services pursuant to NRS 616C.590; and

(b) Resides outside of this State but does not qualify to receive vocational rehabilitation services outside of this State pursuant to subsection ~~4~~ 2,

→ may execute a written agreement with the insurer which provides for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services pursuant to NRS 616C.595. The amount of the lump sum must not exceed \$20,000.

~~3~~ 4. An injured employee who resides outside of this State but does not qualify to receive vocational rehabilitation services outside of this State pursuant to subsection ~~4~~ 2 may receive the vocational rehabilitation services to which he is entitled pursuant to NRS 616C.545 to 616C.575, inclusive, and 616C.590 if he relocates to:

(a) This State; or

(b) A location within 50 miles from any border of this State,

→ at his own expense, if such services are available at such a location.

5. An injured employee who resides in this State may receive vocational rehabilitation services outside of this State at a location within 50 miles from his residence if such services are available at such a location. An insurer may not unreasonably deny a request made by an injured employee pursuant to this subsection to receive vocational rehabilitation services outside of this State.

Sec. 2. NRS 616C.595 is hereby amended to read as follows:

616C.595 1. If an injured employee is eligible for vocational rehabilitation services pursuant to NRS 616C.590, the insurer and the injured employee may, at any time during the employee's eligibility for such services, execute a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services. An insurer's refusal to execute such an agreement may not be appealed.

2. If the insurer and the injured employee execute an agreement pursuant to subsection 1, the acceptance of the payment of compensation in a lump sum by the injured employee extinguishes his right to receive vocational rehabilitation services under his claim. Except as otherwise required by federal law, an injured employee shall not receive vocational rehabilitation services from any state agency after he accepts payment of compensation in a lump sum pursuant to this section.

3. Before executing an agreement pursuant to subsection 1, an insurer shall:

(a) Order an assessment of and counseling concerning the vocational skills of the injured employee, unless the provisions of ***subsection 3 of*** NRS 616C.580 are applicable;

(b) Consult with the employer of the injured employee; and

(c) Provide a written notice to the injured employee that contains the following statements:

(1) That the injured employee is urged to seek assistance and advice from the Nevada Attorney for Injured Workers or to consult with a private attorney before signing the agreement.

(2) That the injured employee may rescind the agreement within 20 days after he signs it.

(3) That the 20-day period pursuant to subparagraph (2) may not be waived.

(4) That acceptance by the injured employee of payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services extinguishes his right to receive such services.

4. No payment of compensation in a lump sum may be made pursuant to this section until the 20-day period provided for the rescission of the agreement has expired.

