

ASSEMBLY BILL NO. 24—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE DEPARTMENT OF BUSINESS AND INDUSTRY)

PREFILED DECEMBER 5, 2008

Referred to Committee on Commerce and Labor

SUMMARY—Enacts provisions governing certain claims for compensation under industrial insurance. (BDR 53-423)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; establishing provisions concerning a claim for a catastrophic injury; establishing provisions for the administering of such claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 12** of this bill requires the Administrator of the Division of Industrial
2 Relations of the Department of Business and Industry to adopt regulations for the
3 determination of injuries as catastrophic injuries. **Section 15** of this bill requires an
4 adjuster who administers a claim for a catastrophic injury to be competent and
5 qualified. **Section 15** also requires the Administrator to adopt regulations
6 prescribing the qualifications for such an adjuster. **Section 16** of this bill requires
7 an insurer that accepts a claim for a catastrophic injury to develop a life care plan
8 for the injured employee within 90 days after the date of the acceptance of the
9 claim. **Section 16** also requires the Administrator to adopt certain regulations
10 concerning life care plans. **Section 17** of this bill allows an insurer that has
11 accepted a claim for a catastrophic injury to rescind or revise its determination that
12 the injury is a catastrophic injury under certain circumstances.

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

- 1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** (Deleted by amendment.)
3 **Sec. 3.** (Deleted by amendment.)



1 **Sec. 4.** (Deleted by amendment.)

2 **Sec. 5.** (Deleted by amendment.)

3 **Sec. 5.5.** (Deleted by amendment.)

4 **Sec. 6.** (Deleted by amendment.)

5 **Sec. 7.** (Deleted by amendment.)

6 **Sec. 8.** (Deleted by amendment.)

7 **Sec. 9.** (Deleted by amendment.)

8 **Sec. 10.** Chapter 616A of NRS is hereby amended by adding
9 thereto the provisions set forth as sections 11 and 12 of this act.

10 **Sec. 11.** *"Catastrophic injury" means an injury sustained*
11 *from an accident and resulting in:*

12 1. *The total loss of sight in one or both eyes;*

13 2. *The total loss of hearing in one or both ears;*

14 3. *The loss by separation of any arm or leg;*

15 4. *An injury to the head or spine which results in paralysis of*
16 *the legs, the arms or both the legs and arms;*

17 5. *An injury to the head which results in severe cognitive*
18 *impairment, as determined by a nationally recognized method of*
19 *objective psychological testing;*

20 6. *An injury consisting of second or third degree burns on 50*
21 *percent or more of:*

22 (a) *The body;*

23 (b) *Both hands; or*

24 (c) *The face;*

25 7. *The total loss of or significant and permanent impairment*
26 *of speech; or*

27 8. *Any other category of injury deemed to be catastrophic as*
28 *determined by the Administrator.*

29 **Sec. 12.** *The Administrator shall adopt regulations for the*
30 *determination of categories of injury, other than those described*
31 *in section 11 of this act, to be deemed catastrophic injuries.*

32 **Sec. 13.** NRS 616A.025 is hereby amended to read as follows:

33 616A.025 As used in chapters 616A to 616D, inclusive, of
34 NRS, unless the context otherwise requires, the words and terms
35 defined in NRS 616A.030 to 616A.360, inclusive, *and section 11 of*
36 *this act* have the meanings ascribed to them in those sections.

37 **Sec. 14.** Chapter 616C of NRS is hereby amended by adding
38 thereto the provisions set forth as sections 15, 16 and 17 of this act.

39 **Sec. 15.** 1. *An adjuster who administers a claim for a*
40 *catastrophic injury must be competent and qualified to administer*
41 *such a claim.*

42 2. *The Administrator shall adopt regulations establishing*
43 *qualifications for an adjuster to administer a claim for a*
44 *catastrophic injury.*



1 **Sec. 16. 1. Notwithstanding any other provision of this**
2 **chapter, if an insurer accepts a claim for a catastrophic injury, the**
3 **insurer shall:**

4 **(a) As soon as reasonably practicable after the date of**
5 **acceptance of the claim, assign the claim to a qualified adjuster,**
6 **nurse and vocational rehabilitation counselor; and**

7 **(b) Within 90 days after the date of acceptance of the claim,**
8 **develop a life care plan in consultation with the adjuster, nurse**
9 **and vocational rehabilitation counselor assigned to the claim**
10 **pursuant to paragraph (a).**

11 **2. A life care plan which is developed pursuant to subsection**
12 **1 must ensure the prompt, efficient and proper provision of**
13 **medical services to the injured employee.**

14 **3. The Administrator shall adopt regulations to carry out the**
15 **provisions of this section, including, without limitation,**
16 **regulations prescribing:**

17 **(a) The form and content of a life care plan; and**

18 **(b) The frequency and method of communication by which the**
19 **insurer shall contact the injured employee, his family members or**
20 **representative.**

21 **Sec. 17. An insurer that has accepted a claim for a**
22 **catastrophic injury may thereafter rescind or revise its original**
23 **determination that the injury is a catastrophic injury if:**

24 **1. Medical evidence supports the rescission or revision;**

25 **2. The injured employee is stable and ratable; or**

26 **3. Other circumstances warrant such a rescission or revision.**

27 **Sec. 18. This act becomes effective:**

28 **1. Upon passage and approval for the purpose of adopting**
29 **regulations; and**

30 **2. On October 1, 2009, for all other purposes.**

