

SENATE BILL NO. 195—SENATOR CARLTON

MARCH 10, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing workers' compensation.
(BDR 53-1077)

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

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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; revising provisions relating to examinations and permanent partial disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill requires that the Fifth Edition, rather than the most recent edition, of
2 the American Medical Association's *Guides to the Evaluation of Permanent*
3 *Impairment* must be applied in all examinations for a permanent partial disability.

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

- 1 **Section 1.** NRS 616C.110 is hereby amended to read as
2 follows:
3 616C.110 1. For the purposes of NRS 616B.557, 616B.578,
4 616B.587, 616C.490 and 617.459 ~~1-~~
5 ~~—(a) Not~~, **not** later than August 1, 2003, the Division shall adopt
6 regulations incorporating the American Medical Association's
7 Guides to the Evaluation of Permanent Impairment, 5th edition, by
8 reference. The regulations:
9 ~~{(1)}~~ **(a)** Must ~~become effective on October 1, 2003; and~~
10 ~~—(2) Must be applied to all examinations for a permanent~~
11 ~~partial disability that are conducted on or after October 1, 2003,~~
12 ~~regardless of the date of the injury, until regulations incorporating~~
13 ~~the 6th edition by reference have become effective pursuant to~~
14 ~~paragraph (b).~~



~~(b) Beginning with the 6th edition and continuing for each edition thereafter, the Division shall adopt regulations incorporating the most recent edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment by reference. The regulations:~~

~~(1) Must become effective not later than 18 months after the most recent edition is published by the American Medical Association; and~~

~~(2) provide that the American Medical Association's Guides to the Evaluation of Permanent Impairment, Fifth Edition, must be applied to all examinations; and~~

(b) Must be applied to all examinations for a permanent partial disability that are conducted on or after the effective date of the regulations, regardless of the date of injury . ~~[until regulations incorporating the next edition by reference have become effective pursuant to this paragraph.]~~

2. After adopting the regulations required pursuant to subsection 1, the Division may amend those regulations as it deems necessary, except that the amendments to those regulations:

(a) Must be consistent with the ~~[edition]~~ **Fifth Edition** of the American Medical Association's Guides to the Evaluation of Permanent Impairment ; ~~[most recently adopted by the Division;]~~

(b) Must not incorporate any contradictory matter from any other edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment; and

(c) Must not consider any factors other than the degree of physical impairment of the whole man in calculating the entitlement to compensation.

3. If the ~~[edition]~~ **Fifth Edition** of the American Medical Association's Guides to the Evaluation of Permanent Impairment ~~[most recently adopted by the Division]~~ contains more than one method of determining the rating of an impairment, the Administrator shall designate by regulation the method from that edition which must be used to rate an impairment pursuant to NRS 616C.490.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective upon passage and approval.

