

ASSEMBLY BILL NO. 267—ASSEMBLYMAN OHRENSCHALL

MARCH 14, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. (BDR 53-611)

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

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to industrial insurance; revising the persons who may represent an injured worker in certain hearings or other meetings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a person may represent an injured worker before a hearing
2 officer or in meetings with an insurer regarding a claim only if the person is: (1) a
3 full-time employee of the injured worker's labor organization; (2) an attorney; (3) a
4 full-time employee of an attorney who is supervised by that attorney; or (4)
5 appearing without compensation. Further, a person may represent an injured worker
6 before an appeals officer only if the person is an attorney. This bill allows an
7 employee of the injured worker's labor organization to appear on the injured
8 worker's behalf in either situation.

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

1 **Section 1.** NRS 616C.325 is hereby amended to read as
2 follows:
3 616C.325 1. It is unlawful for any person to represent an
4 employee before a hearings officer, or in any negotiations,
5 settlements, hearings or other meetings with an insurer concerning
6 the employee's claim or possible claim, unless the person is:
7 (a) Employed ~~full-time~~ by the employee's labor organization;



- 1 (b) Admitted to practice law in this State;
2 (c) Employed full-time by and under the supervision of an
3 attorney admitted to practice law in this State; or
4 (d) Appearing without compensation on behalf of the employee.
5 ➔ It is unlawful for any person who is not admitted to practice law
6 in this State **or employed by the employee's labor organization** to
7 represent the employee before an appeals officer.
8 2. It is unlawful for any person to represent an employer at
9 hearings of contested cases unless that person is:
10 (a) Employed full-time by the employer or a trade association to
11 which the employer belongs that is not formed solely to provide
12 representation at hearings of contested cases;
13 (b) An employer's representative licensed pursuant to
14 subsection 3 who is not licensed as a third-party administrator;
15 (c) Admitted to practice law in this State; or
16 (d) A licensed third-party administrator.
17 3. The Director of the Department of Administration shall
18 adopt regulations which include the:
19 (a) Requirements for licensure of employers' representatives,
20 including:
21 (1) The registration of each representative; and
22 (2) The filing of a copy of each written agreement for the
23 compensation of a representative;
24 (b) Procedure for such licensure; and
25 (c) Causes for revocation of such a license, including any
26 applicable action listed in NRS 616D.120 or a violation of this
27 section.
28 4. Any person who is employed by or contracts with an
29 employer to represent the employer at hearings regarding contested
30 claims is an agent of the employer. If the employer's representative
31 violates any provision of this chapter or chapter 616A, 616B, 616D
32 or 617 of NRS, the employer is liable for any penalty assessed
33 because of that violation.
34 5. An employer shall not make the compensation of any person
35 representing the employer contingent in any manner upon the
36 outcome of any contested claim.
37 6. The Director of the Department of Administration shall
38 collect in advance and deposit with the State Treasurer for credit to
39 the State General Fund the following fees for licensure as an
40 employer's representative:
41 (a) Application and license..... \$78
42 (b) Triennial renewal of each license 78

