

Amendment No. 401

Senate Amendment to Senate Bill No. 135

(BDR 53-717)

Proposed by: Senate Committee on Commerce, Labor and Energy**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

AAK/WLK



Date: 4/25/2011

S.B. No. 135—Revises provisions governing the presumption of eligibility for coverage for certain occupational diseases. (BDR 53-717)



SENATE BILL NO. 135—SENATOR RHODS

FEBRUARY 8, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing the presumption of eligibility for coverage for certain occupational diseases. (BDR 53-717)

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 occupational diseases; revising provisions governing the presumption that certain occupational diseases arise out of the employment of certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a presumption that certain occupational diseases, including heart disease, lung disease, cancer and hepatitis, diagnosed after the termination of the employment of a person in certain occupations, including as a police officer, firefighter or arson investigator, arose out of the employment of the person if the person was employed full-time, continuously for 5 years or more. (NRS 617.453, 617.455, 617.457, 617.485, 617.487) This bill limits the ~~applicability of the presumption that~~ **benefits available for** certain occupational diseases **that** arose out of such employment ~~and provides~~ **by providing** that the ~~presumption applies if: (1) the person was employed in a full-time continuous, uninterrupted and salaried occupation for 5 years or more before the diagnosis of the occupational disease; and (2) the diagnosis occurs during the person's employment or within a limited period after the termination of the person's employment. That period is limited to 5 years for persons diagnosed with cancer, lung disease or heart disease and 1 year for persons diagnosed with hepatitis.~~ **benefits are only available until the person is eligible for Medicare unless the person began receiving benefits while employed or the person ceased employment before reaching an age at which the person is eligible for an unreduced retirement benefit.**

Additionally, sections 2 and 3 of this bill limit the ability of a person to file for benefits for certain diseases of the lungs and heart. Under sections 2 and 3, a person must file a claim for benefits within 5 years of ceasing employment if the person ceases employment before reaching an age at which the person is eligible for an unreduced retirement benefit.

The provisions of this bill apply only to a person hired on or after July 1, 2011.

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

Section 1. NRS 617.453 is hereby amended to read as follows:

617.453 1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:

(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 years or more, has been:

(1) Employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public; or

(2) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

(b) It is demonstrated that:

(1) The person was exposed, while in the course of the employment, to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program; and

(2) The carcinogen is reasonably associated with the disabling cancer.

2. With respect to a person who, for 5 years or more, has been employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public, the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:

(a) Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with bladder cancer.

(b) Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with brain cancer.

(c) Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with colon cancer.

(d) Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated with Hodgkin's lymphoma.

(e) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with kidney cancer.

(f) Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with liver cancer.

(g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with lymphatic or haematopoietic cancer.

(h) Diesel exhaust, soot, aldehydes and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with basal cell carcinoma, squamous cell carcinoma and malignant melanoma.

(i) Acrylonitrile, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with prostate cancer.

(j) Diesel exhaust, soot and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with testicular cancer.

(k) Diesel exhaust, benzene and X-ray radiation shall be deemed to be known carcinogens that are reasonably associated with thyroid cancer.

3. The provisions of subsection 2 do not create an exclusive list and do not preclude any person from demonstrating, on a case-by-case basis for the purposes

of paragraph (b) of subsection 1, that a substance is a known carcinogen that is reasonably associated with a disabling cancer.

4. Compensation awarded to the employee or his or her dependents for disabling cancer pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

5. Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any firefighter ~~[described in this section.] who has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter for 5 years or more before the date of the diagnosis.~~ This rebuttable presumption applies to disabling cancer diagnosed ~~[after]~~:

(a) *During the person's employment; or*

(b) *After the termination of the person's employment if the diagnosis occurs within a period, not to exceed ~~[60 months.] 5 years after the termination of the person's employment,~~ which begins with the last date the employee actually worked in the qualifying capacity . ~~[and extends for a period calculated by multiplying 3 months by the number of full years of his or her employment.]~~*

↳ This rebuttable presumption must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented.

6. The provisions of this section do not create a conclusive presumption.

7. Except as otherwise provided in subsection 8, if a person qualifies for medical benefits pursuant to this section, the person may:

(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and

(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.

8. The provisions of subsection 7 do not apply to a person who:

(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or

(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.

9. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 2. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the employee's lungs, upon employment, upon commencement of the coverage, once every even-numbered year until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. A thorough test of the functioning of the lungs is not required for a volunteer firefighter.

4. All physical examinations required pursuant to subsection 2 must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for 5 years or more before the date of disablement. ~~[This rebuttable presumption applies to diseases of the lungs diagnosed:~~

~~(a) During the person's employment; or~~
~~(b) After the termination of the person's employment if the diagnosis occurs within a period, not to exceed 5 years after the termination of the person's employment, which begins with the last date the employee actually worked in the qualifying capacity.]~~

6. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after the annual examination excludes the employee from the benefits of this section if the correction is within the ability of the employee.

7. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, police officer or arson investigator,

may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

8. Except as otherwise provided in subsection 9, if a person qualifies for medical benefits pursuant to this section, the person may:

(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and

(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.

9. The provisions of subsection 8 do not apply to a person who:

(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or

(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.

10. Except as otherwise provided in subsection 11, a person may not file a claim for benefits pursuant to this section more than 5 years after ceasing

employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.

11. The provisions of subsection 10 do not limit the ability of a person:

(a) Pursuant to any other provision of law to reopen a claim for benefits pursuant to this section if the original claim for benefits which is to be reopened was filed and accepted in accordance with the provisions of this section; or

(b) To file a claim pursuant to any provision of law other than this section, including, without limitation, NRS 617.440.

12. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 3. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 5 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment.

~~[This rebuttable presumption applies to diseases of the heart diagnosed:~~

~~— (a) During the person's employment; or~~

~~— (b) After the termination of the person's employment if the diagnosis occurs within a period, not to exceed 5 years after the termination of the person's employment, which begins with the last date the employee actually worked in the qualifying capacity.]~~

2. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

3. Except as otherwise provided in subsection 4, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

4. A physical examination for a volunteer firefighter is required upon initial employment and once every 3 years after the initial examination until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once each year.

5. The employer of the volunteer firefighter is responsible for scheduling the physical examination.

6. Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection 5 excludes the volunteer firefighter from the benefits of this section.

7. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his or her application.

8. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

- (a) Paid for the physical examination in accordance with subsection 7;
- (b) Is declared physically fit to perform the duties required of a firefighter; and
- (c) Becomes a volunteer with the volunteer fire department.

9. Except as otherwise provided in subsection 7, all physical examinations required pursuant to subsections 3 and 4 must be paid for by the employer.

10. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to the annual examination excludes the employee from the benefits of this section if the correction is within the ability of the employee.

11. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, arson investigator or police officer,
may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

12. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

13. Except as otherwise provided in subsection 14, if a person qualifies for medical benefits pursuant to this section, the person may:

(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and

(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.

14. The provisions of subsection 13 do not apply to a person who:

(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or

(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.

15. Except as otherwise provided in subsection 16, a person may not file a claim for benefits pursuant to this section more than 5 years after ceasing employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.

16. The provisions of subsection 15 do not limit the ability of a person:

(a) Pursuant to subsection 12 or any other provision of law to reopen a claim for benefits pursuant to this section if the original claim for benefits which is to be reopened was filed and accepted in accordance with the provisions of this section; or

(b) To file a claim pursuant to any provision of law other than this section, including, without limitation, NRS 617.440.

17. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

1 **Sec. 4.** NRS 617.485 is hereby amended to read as follows:

2 617.485 1. Notwithstanding any other provision of this chapter and except
3 as otherwise provided in this section, if an employee has hepatitis, the disease is
4 conclusively presumed to have arisen out of and in the course of his or her
5 employment if the employee has been ~~continuously~~ employed for 5 years or more
6 ~~as a police officer.~~ in a full-time *continuous, uninterrupted and* salaried
7 *occupation as a police officer*, firefighter or emergency medical attendant in this
8 State before the date of any temporary or permanent disability or death resulting
9 from the hepatitis.

10 2. Compensation awarded to a police officer, firefighter or emergency
11 medical attendant, or to the dependents of such a person, for hepatitis pursuant to
12 this section must include:

13 (a) Full reimbursement for related expenses incurred for medical treatments,
14 surgery and hospitalization; and

15 (b) The compensation provided in chapters 616A to 616D, inclusive, of NRS
16 for the disability or death.

17 3. A police officer, salaried firefighter or emergency medical attendant shall:

18 (a) Submit to a blood test to screen for hepatitis C upon employment, upon the
19 commencement of coverage and thereafter on an annual basis during his or her
20 employment.

21 (b) Submit to a blood test to screen for hepatitis A and hepatitis B upon
22 employment, upon the commencement of coverage and thereafter on an annual
23 basis during his or her employment, except that a police officer, salaried firefighter
24 or emergency medical attendant is not required to submit to a blood test to screen
25 for hepatitis A and hepatitis B on an annual basis during his or her employment if
26 he or she has been vaccinated for hepatitis A and hepatitis B upon employment or
27 at other medically appropriate times during his or her employment. Each employer
28 shall provide a police officer, salaried firefighter or emergency medical attendant
29 with the opportunity to be vaccinated for hepatitis A and hepatitis B upon
30 employment and at other medically appropriate times during his or her
31 employment.

32 4. All blood tests required pursuant to this section and all vaccinations
33 provided pursuant to this section must be paid for by the employer.

34 5. The provisions of this section:

35 (a) Except as otherwise provided in paragraph (b), do not apply to a police
36 officer, firefighter or emergency medical attendant who is diagnosed with hepatitis
37 upon employment.

38 (b) Apply to a police officer, firefighter or emergency medical attendant who is
39 diagnosed with hepatitis upon employment if, during the employment or within 1
40 year after the last day of the employment, he or she is diagnosed with a different
41 strain of hepatitis.

42 (c) Apply to a police officer, firefighter or emergency medical attendant who is
43 diagnosed with hepatitis after the termination of the employment if the diagnosis is
44 made within 1 year after the last day of the employment.

45 6. A police officer, firefighter or emergency medical attendant who is
46 determined to be:

47 (a) Partially disabled from an occupational disease pursuant to the provisions
48 of this section; and

49 (b) Incapable of performing, with or without remuneration, work as a police
50 officer, firefighter or emergency medical attendant,

51 ➤ may elect to receive the benefits provided pursuant to NRS 616C.440 for a
52 permanent total disability.

7. Except as otherwise provided in subsection 8, if a person qualifies for medical benefits pursuant to this section, the person may:

(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and

(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.

8. The provisions of subsection 7 do not apply to a person who:

(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or

(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.

9. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS, whose primary duties of employment are the provision of emergency medical services.

(b) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.

(c) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(d) "Police officer" means a sheriff, deputy sheriff, officer of a metropolitan police department or city police officer.

Sec. 5. NRS 617.487 is hereby amended to read as follows:

617.487 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if an employee has hepatitis, the disease is conclusively presumed to have arisen out of and in the course of his or her employment if the employee has been ~~continuously~~ employed for 5 years or more in a full-time continuous, uninterrupted and salaried occupation as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city police officer in this State before the date of any temporary or permanent disability or death resulting from the hepatitis.

2. Compensation awarded to a police officer, or to the dependents of a police officer, for hepatitis pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

3. A police officer shall:

(a) Submit to a blood test to screen for hepatitis C upon employment and upon the commencement of coverage.

(b) If the employer of the police officer provides screening for hepatitis C for police officers on an annual basis, submit to a blood test to screen for hepatitis C thereafter on an annual basis during his or her employment.

(c) If the employer of the police officer provides screening for hepatitis A and hepatitis B for police officers, submit to a blood test to screen for hepatitis A and hepatitis B upon employment, upon the commencement of coverage and thereafter

on an annual basis during his or her employment, except that a police officer is not required to submit to a blood test to screen for hepatitis A and hepatitis B on an annual basis during his or her employment if he or she has been vaccinated for hepatitis A and hepatitis B upon employment or at other medically appropriate times during his or her employment. Each employer shall provide a police officer with the opportunity to be vaccinated for hepatitis A and hepatitis B upon employment and at other medically appropriate times during his or her employment.

4. All blood tests required pursuant to this section and all vaccinations provided pursuant to this section must be paid for by the employer.

5. The provisions of this section:

(a) Except as otherwise provided in paragraph (b), do not apply to a police officer who is diagnosed with hepatitis upon employment.

(b) Apply to a police officer who is diagnosed with hepatitis upon employment if, during the employment or within 1 year after the last day of the employment, the police officer is diagnosed with a different strain of hepatitis.

(c) Apply to a police officer who is diagnosed with hepatitis after the termination of the employment if the diagnosis is made within 1 year after the last day of the employment.

6. A police officer who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a police officer,

may elect to receive the benefits provided pursuant to NRS 616C.440 for a permanent total disability.

7. Except as otherwise provided in subsection 8, if a person qualifies for medical benefits pursuant to this section, the person may:

(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and

(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.

8. The provisions of subsection 7 do not apply to a person who:

(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or

(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.

9. As used in this section:

(a) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Police officer" means any police officer other than a sheriff, deputy sheriff, officer of a metropolitan police department or city police officer.

Sec. 6. The amendatory provisions of this act apply only to a person hired on or after July 1, 2011.

~~Sec. 6.~~ Sec. 7. This act becomes effective on July 1, 2011.