

Amendment No. 486

Senate Amendment to Senate Bill No. 164 (BDR 57-232)

Proposed by: Senate Committee on Commerce, Labor and Energy

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 164 (§§ 1, 2, 8-10).

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.

MSN



Date: 4/21/2011

S.B. No. 164—Revises provisions relating to claims examiners for third-party administrators and vocational rehabilitation counselors.
(BDR 57-232)



SENATE BILL NO. 164—SENATOR SCHNEIDER

FEBRUARY 17, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to senior claims examiners for third-party administrators. ~~[and vocational rehabilitation counselors.]~~ (BDR 57-232)

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 persons involved in the administration of insurance; requiring senior claims examiners for third-party administrators to be licensed; ~~[requiring vocational rehabilitation counselors for third party administrators to be licensed;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a third-party administrator for an insurer to have a certificate of registration issued by the Commissioner of Insurance. (NRS 616B.500, 616B.503, 683A.085)

Section 7 of this bill prohibits a senior claims examiner ~~[for a vocational rehabilitation counselor]~~ from working for a third-party administrator without a license. ~~[Sections]~~ **Section 8** ~~[and 9]~~ of this bill ~~[provide]~~ provides the application process for such a license. **Section 10** of this bill provides that such a license expires after ~~[3]~~ 5 years and may be renewed. **Sections 1 and 2** of this bill provide the fees for the application for and the renewal of such a license. **Section 11** of this bill provides for disciplinary action against a licensee. **Section 12** of this bill provides a penalty for working without such a license. **Section 13** of this bill provides a penalty for a third-party administrator for hiring or retaining an unlicensed senior claims examiner ~~[for vocational rehabilitation counselor]~~ or for failing to conduct a reasonable investigation as to whether a prospective employee is licensed.

Section 16.5 of this bill allows the Administrator of the Division of Industrial Relations of the Department of Business and Industry to determine whether a third-party administrator has adequate facilities in this State to administer claims and to conduct such investigations and examinations of third-party administrators as the Administrator deems reasonable. **Section 17** of this bill requires the Administrator ~~[of the Division of Industrial Relations of the Department of Business and Industry]~~ to prescribe by regulation the qualifications for a senior claims examiner. ~~[for vocational rehabilitation counselor.]~~

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

Section 1. NRS 680B.010 is hereby amended to read as follows:
 680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer's certificate of authority:
 - (a) Filing initial application \$2,450
 - (b) Issuance of certificate:
 - (1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive 283
 - (2) For two or more kinds of insurance as so defined..... 578
 - (3) For a reinsurer..... 2,450
 - (c) Each annual continuation of a certificate..... 2,450
 - (d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.
 - (e) Registration of additional title pursuant to NRS 680A.240..... 50
 - (f) Annual renewal of the registration of additional title pursuant to NRS 680A.240 25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document \$10
3. Annual statement or report. For filing annual statement or report..... \$25
4. Service of process:
 - (a) Filing of power of attorney..... \$5
 - (b) Acceptance of service of process 30
5. Licenses, appointments and renewals for producers of insurance:
 - (a) Application and license \$125
 - (b) Appointment fee for each insurer 15
 - (c) Triennial renewal of each license 125
 - (d) Temporary license 10
 - (e) Modification of an existing license 50
6. Surplus lines brokers:
 - (a) Application and license \$125
 - (b) Triennial renewal of each license 125
7. Managing general agents' licenses, appointments and renewals:
 - (a) Application and license \$125
 - (b) Appointment fee for each insurer 15
 - (c) Triennial renewal of each license 125
8. Adjusters' licenses and renewals:
 - (a) Independent and public adjusters:
 - (1) Application and license..... \$125
 - (2) Triennial renewal of each license..... 125
 - (b) Associate adjusters:
 - (1) Application and license..... 125
 - (2) Triennial renewal of each license..... 125
9. Licenses and renewals for appraisers of physical damage to motor vehicles:

1	(a) Application and license	\$125
2	(b) Triennial renewal of each license	125
3	10. Additional title and property insurers pursuant to NRS	
4	680A.240:	
5	(a) Original registration	\$50
6	(b) Annual renewal	25
7	11. Insurance vending machines:	
8	(a) Application and license, for each machine	\$125
9	(b) Triennial renewal of each license	125
10	12. Permit for solicitation for securities:	
11	(a) Application for permit	\$100
12	(b) Extension of permit	50
13	13. Securities salespersons for domestic insurers:	
14	(a) Application and license	\$25
15	(b) Annual renewal of license	15
16	14. Rating organizations:	
17	(a) Application and license	\$500
18	(b) Annual renewal	500
19	15. Certificates and renewals for administrators licensed pursuant	
20	to chapter 683A of NRS (H) <i>and licenses and renewals for senior</i>	
21	<i>claims examiners [and vocational rehabilitation counselors] licensed</i>	
22	<i>pursuant to chapter 683A of NRS:</i>	
23	(a) Application and certificate of registration <i>for administrators</i>	\$125
24	(b) <i>Application and license for senior claims examiners [and</i>	
25	<i>vocational rehabilitation counselors]</i>	125
26	(c) Triennial renewal <i>of certificate of registration [for license]</i>	125
27	<i>(d) Quinquennial renewal of license</i>	125
28	16. For copies of the insurance laws of Nevada, a fee which is not	
29	less than the cost of producing the copies.	
30	17. Certified copies of certificates of authority and licenses issued	
31	pursuant to the Code.....	\$10
32	18. For copies and amendments of documents on file in the	
33	Division, a reasonable charge fixed by the Commissioner, including	
34	charges for duplicating or amending the forms and for certifying the	
35	copies and affixing the official seal.	
36	19. Letter of clearance for a producer of insurance or other	
37	licensee if requested by someone other than the licensee	\$10
38	20. Certificate of status as a producer of insurance or other	
39	licensee if requested by someone other than the licensee	\$10
40	21. Licenses, appointments and renewals for bail agents:	
41	(a) Application and license	\$125
42	(b) Appointment for each surety insurer	15
43	(c) Triennial renewal of each license	125
44	22. Licenses and renewals for bail enforcement agents:	
45	(a) Application and license	\$125
46	(b) Triennial renewal of each license	125
47	23. Licenses, appointments and renewals for general agents for	
48	bail:	
49	(a) Application and license	\$125
50	(b) Initial appointment by each insurer	15
51	(c) Triennial renewal of each license	125
52	24. Licenses and renewals for bail solicitors:	
53	(a) Application and license	\$125

1	(b) Triennial renewal of each license	125
2	25. Licenses and renewals for title agents and escrow officers:	
3	(a) Application and license	\$125
4	(b) Triennial renewal of each license	125
5	(c) Appointment fee for each title insurer	15
6	(d) Change in name or location of business or in association	10
7	26. Certificate of authority and renewal for a seller of prepaid	
8	funeral contracts	\$125
9	27. Licenses and renewals for agents for prepaid funeral	
10	contracts:	
11	(a) Application and license	\$125
12	(b) Triennial renewal of each license	125
13	28. Licenses, appointments and renewals for agents for fraternal	
14	benefit societies:	
15	(a) Application and license	\$125
16	(b) Appointment for each insurer	15
17	(c) Triennial renewal of each license	125
18	29. Reinsurance intermediary broker or manager:	
19	(a) Application and license	\$125
20	(b) Triennial renewal of each license	125
21	30. Agents for and sellers of prepaid burial contracts:	
22	(a) Application and certificate or license	\$125
23	(b) Triennial renewal	125
24	31. Risk retention groups:	
25	(a) Initial registration	\$250
26	(b) Each annual continuation of a certificate of registration	250
27	32. Required filing of forms:	
28	(a) For rates and policies	\$25
29	(b) For riders and endorsements	10
30	33. Viatical settlements:	
31	(a) Provider of viatical settlements:	
32	(1) Application and license	\$1,000
33	(2) Annual renewal	1,000
34	(b) Broker of viatical settlements:	
35	(1) Application and license	500
36	(2) Annual renewal	500
37	(c) Registration of producer of insurance acting as a viatical	
38	settlement broker	250
39	34. Insurance consultants:	
40	(a) Application and license	\$125
41	(b) Triennial renewal	125
42	35. Licensee's association with or appointment or sponsorship by	
43	an organization:	
44	(a) Initial appointment, association or sponsorship, for each	
45	organization	\$50
46	(b) Renewal of each association or sponsorship	50
47	(c) Annual renewal of appointment	15
48	36. Purchasing groups:	
49	(a) Initial registration and review of an application	\$100
50	(b) Each annual continuation of registration	100
51	37. In addition to any other fee or charge, all applicable fees	
52	required of any person, including, without limitation, persons listed in	
53	this section, pursuant to NRS 680C.110.	

Sec. 2. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) If an annual fee, paid on or before March 1 of every year;

(c) If a triennial or quinquennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee\$1,300

(2) Annual fee\$1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee\$1,300

(2) Annual fee\$1,300

(c) External review organizations, as provided for in NRS 616A.469 or 683A.371, or both:

(1) Initial fee\$60

(2) Annual fee\$60

(d) Insurers not otherwise provided for in this subsection:

(1) Initial fee\$1,300

(2) Annual fee\$1,300

(e) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee\$60

(2) Triennial fee\$60

(f) Accredited reinsurers, as provided for in NRS 681A.160:

(1) Initial fee\$1,300

(2) Annual fee\$1,300

(g) Intermediaries, as defined in NRS 681A.330:

(1) Initial fee\$60

(2) Triennial fee\$60

(h) Reinsurers, as defined in NRS 681A.370:

(1) Initial fee\$1,300

(2) Annual fee\$1,300

(i) Administrators, as defined in NRS 683A.025 ~~and senior claims examiners, as defined in section 5 of this act~~ and senior claims examiners, as defined in section 5 of this act; ~~and vocational rehabilitation counselors, as defined in section 6 of this act;~~

(1) Initial fee\$60

(2) Triennial fee for an administrator\$60

(3) Quinquennial fee for a senior claims examiner\$60

(j) Managing general agents, as defined in NRS 683A.060:

(1) Initial fee\$60

(2) Triennial fee\$60

1	(k) Agents who perform utilization reviews, as defined in NRS	
2	683A.376:	
3	(1) Initial fee.....	\$60
4	(2) Annual fee.....	\$60
5	(l) Insurance consultants, as defined in NRS 683C.010:	
6	(1) Initial fee.....	\$60
7	(2) Triennial fee.....	\$60
8	(m) Independent adjusters, as defined in NRS 684A.030:	
9	(1) Initial fee.....	\$60
10	(2) Triennial fee.....	\$60
11	(n) Public adjusters, as defined in NRS 684A.030:	
12	(1) Initial fee.....	\$60
13	(2) Triennial fee.....	\$60
14	(o) Associate adjusters, as defined in NRS 684A.030:	
15	(1) Initial fee.....	\$60
16	(2) Triennial fee.....	\$60
17	(p) Motor vehicle physical damage appraisers, as defined in NRS	
18	684B.010:	
19	(1) Initial fee.....	\$60
20	(2) Triennial fee.....	\$60
21	(q) Brokers, as defined in NRS 685A.030:	
22	(1) Initial fee.....	\$60
23	(2) Triennial fee.....	\$60
24	(r) Eligible surplus line insurers, as provided for in NRS 685A.070:	
25	(1) Initial fee.....	\$1,300
26	(2) Annual fee.....	\$1,300
27	(s) Companies, as defined in NRS 686A.330:	
28	(1) Initial fee.....	\$1,300
29	(2) Annual fee.....	\$1,300
30	(t) Rate service organizations, as defined in NRS 686B.020:	
31	(1) Initial fee.....	\$1,300
32	(2) Annual fee.....	\$1,300
33	(u) Brokers of viatical settlements, as defined in NRS 688C.030:	
34	(1) Initial fee.....	\$60
35	(2) Annual fee.....	\$60
36	(v) Providers of viatical settlements, as defined in NRS 688C.080:	
37	(1) Initial fee.....	\$60
38	(2) Annual fee.....	\$60
39	(w) Agents for prepaid burial contracts subject to the provisions of	
40	chapter 689 of NRS:	
41	(1) Initial fee.....	\$60
42	(2) Triennial fee.....	\$60
43	(x) Agents for prepaid funeral contracts subject to the provisions of	
44	chapter 689 of NRS:	
45	(1) Initial fee.....	\$60
46	(2) Triennial fee.....	\$60
47	(y) Sellers of prepaid burial contracts subject to the provisions of	
48	chapter 689 of NRS:	
49	(1) Initial fee.....	\$60
50	(2) Triennial fee.....	\$60
51	(z) Sellers of prepaid funeral contracts subject to the provisions of	
52	chapter 689 of NRS:	
53	(1) Initial fee.....	\$60

1	(2) Triennial fee.....	\$60
2	(aa) Providers, as defined in NRS 690C.070:	
3	(1) Initial fee.....	\$1,300
4	(2) Annual fee.....	\$1,300
5	(bb) Escrow officers, as defined in NRS 692A.028:	
6	(1) Initial fee.....	\$60
7	(2) Triennial fee.....	\$60
8	(cc) Title agents, as defined in NRS 692A.060:	
9	(1) Initial fee.....	\$60
10	(2) Triennial fee.....	\$60
11	(dd) Captive insurers, as defined in NRS 694C.060:	
12	(1) Initial fee.....	\$250
13	(2) Annual fee.....	\$250
14	(ee) Fraternal benefit societies, as defined in NRS 695A.010:	
15	(1) Initial fee.....	\$1,300
16	(2) Annual fee.....	\$1,300
17	(ff) Insurance agents for societies, as provided for in NRS	
18	695A.330:	
19	(1) Initial fee.....	\$60
20	(2) Triennial fee.....	\$60
21	(gg) Corporations subject to the provisions of chapter 695B of	
22	NRS:	
23	(1) Initial fee.....	\$1,300
24	(2) Annual fee.....	\$1,300
25	(hh) Health maintenance organizations, as defined in NRS	
26	695C.030:	
27	(1) Initial fee.....	\$1,300
28	(2) Annual fee.....	\$1,300
29	(ii) Organizations for dental care, as defined in NRS 695D.060:	
30	(1) Initial fee.....	\$1,300
31	(2) Annual fee.....	\$1,300
32	(jj) Purchasing groups, as defined in NRS 695E.100:	
33	(1) Initial fee.....	\$250
34	(2) Annual fee.....	\$250
35	(kk) Risk retention groups, as defined in NRS 695E.110:	
36	(1) Initial fee.....	\$250
37	(2) Annual fee.....	\$250
38	(ll) Prepaid limited health service organizations, as defined in NRS	
39	695F.050:	
40	(1) Initial fee.....	\$1,300
41	(2) Annual fee.....	\$1,300
42	(mm) Medical discount plans, as defined in NRS 695H.050:	
43	(1) Initial fee.....	\$1,300
44	(2) Annual fee.....	\$1,300
45	(nn) Club agents, as defined in NRS 696A.040:	
46	(1) Initial fee.....	\$60
47	(2) Triennial fee.....	\$60
48	(oo) Motor clubs, as defined in NRS 696A.050:	
49	(1) Initial fee.....	\$1,300
50	(2) Annual fee.....	\$1,300
51	(pp) Bail agents, as defined in NRS 697.040:	
52	(1) Initial fee.....	\$60
53	(2) Triennial fee.....	\$60

- (qq) Bail enforcement agents, as defined in NRS 697.055:
- (1) Initial fee\$60
 - (2) Triennial fee\$60
- (rr) Bail solicitors, as defined in NRS 697.060:
- (1) Initial fee\$60
 - (2) Triennial fee\$60
- (ss) General agents, as defined in NRS 697.070:
- (1) Initial fee\$60
 - (2) Triennial fee\$60

Sec. 3. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 13, inclusive, of this act.

Sec. 4. ~~As used in sections 4 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 and 6 of this act have the meanings ascribed to them in those sections. (Deleted by amendment.)~~

Sec. 5. ~~Claims~~ As used in sections 5 to 13, inclusive, of this act, unless the context otherwise requires, "senior claims examiner" means a person employed by an administrator to administer claims for compensation filed pursuant to NRS 616C.020 and 617.344 ~~+~~, including, without limitation, performing, reviewing or approving an action relating to a claim on behalf of an administrator pursuant to NRS 616C.065, 616C.230, 616C.390, 616C.392, 616C.440, 616C.475, 616C.490, 616C.505, 616C.555, 616C.700 or 616C.710.

Sec. 6. ~~"Vocational rehabilitation counselor" means a person who works as a certified vocational rehabilitation counselor as defined in NRS 616A.080 or as a vocational rehabilitation counselor pursuant to NRS 616C.540. (Deleted by amendment.)~~

Sec. 7. ~~+~~ No person may act as, offer to act as or hold himself or herself out to the public as a senior claims examiner for an administrator, unless the person has obtained a license as a senior claims examiner from the Commissioner pursuant to section 8 of this act.

~~2. No person may act as, offer to act as or hold himself or herself out to the public as a vocational rehabilitation counselor for an administrator, unless the person has obtained a license as a vocational rehabilitation counselor from the Commissioner pursuant to section 9 of this act.~~

Sec. 8. 1. Except as otherwise provided in subsection 2 or 3, the Commissioner shall issue a license as a senior claims examiner to an applicant who:

- (a) Submits an application on a form prescribed by the Commissioner; and
- (b) Pays the fee for the issuance of a license prescribed in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

2. The Commissioner may refuse to issue a license as a senior claims examiner to an applicant if the Commissioner determines that the applicant:

- (a) Is not competent to act as a senior claims examiner;
- (b) Does not have a good personal or business reputation;
- (c) Has had a license or certificate as a senior claims examiner denied for cause, suspended or revoked in this State or any other state; or
- (d) Has failed to comply with any provision of this chapter.

3. The Commissioner shall submit the information supplied by an applicant pursuant to subsection 1 to the Division of Industrial Relations of the Department of Business and Industry for final approval in accordance with the regulations adopted pursuant to subsection 9 of NRS 616A.400. Unless the Division provides final approval for the applicant to the Commissioner, the Commissioner shall not issue a license as a senior claims examiner to the applicant.

1 Sec. 9. ~~[1. Except as otherwise provided in subsection 2 or 3, the~~
2 ~~Commissioner shall issue a license as a vocational rehabilitation counselor to an~~
3 ~~applicant who:~~

4 ~~(a) Submits an application on a form prescribed by the Commissioner; and~~
5 ~~(b) Pays the fee for the issuance of a license prescribed in NRS 680B.010~~
6 ~~and, in addition to any other fee or charge, all applicable fees required pursuant~~
7 ~~to NRS 680C.110.~~

8 ~~2. The Commissioner may refuse to issue a license as a vocational~~
9 ~~rehabilitation counselor to an applicant if the Commissioner determines that the~~
10 ~~applicant:~~

11 ~~(a) Is not competent to act as a vocational rehabilitation counselor;~~
12 ~~(b) Does not have a good personal or business reputation;~~
13 ~~(c) Has had a license or certificate as a vocational rehabilitation counselor~~
14 ~~denied for cause, suspended or revoked in this State or any other state; or~~
15 ~~(d) Has failed to comply with any provision of this chapter.~~

16 ~~3. The Commissioner shall submit the information supplied by an applicant~~
17 ~~pursuant to subsection 1 to the Division of Industrial Relations of the Department~~
18 ~~of Business and Industry for final approval in accordance with the regulations~~
19 ~~adopted pursuant to subsection 9 of NRS 616A.400. Unless the Division provides~~
20 ~~final approval for the applicant to the Commissioner, the Commissioner shall not~~
21 ~~issue a license as a vocational rehabilitation counselor to the applicant.] (Deleted~~
22 ~~by amendment.)~~

23 Sec. 10. 1. A license as a senior claims examiner ~~for vocational~~
24 ~~rehabilitation counselor~~ is valid for ~~[3]~~ 5 years after the date on which the
25 Commissioner issues the license.

26 2. A senior claims examiner ~~for vocational rehabilitation counselor~~ may
27 renew a license if the senior claims examiner ~~for vocational rehabilitation~~
28 ~~counselor~~ submits to the Commissioner:

29 (a) An application on a form prescribed by the Commissioner; and
30 (b) The fee for the renewal of the license prescribed in NRS 680B.010 and,
31 in addition to any other fee or charge, all applicable fees required pursuant to
32 NRS 680C.110.

33 3. A license that is suspended or revoked must be surrendered immediately
34 to the Commissioner.

35 Sec. 11. 1. The Commissioner may place conditions, limitations or
36 restrictions on a senior claims examiner's ~~for vocational rehabilitation~~
37 ~~counselor's~~ license, suspend the license, revoke or refuse to renew the license,
38 issue a public reprimand or accept the voluntary surrender of the license, or may
39 impose an administrative fine of not more than \$1,000 or take any combination
40 of the foregoing actions, if the Commissioner has determined, after notice and a
41 hearing, that the senior claims examiner ~~for vocational rehabilitation counselor~~
42 has engaged in conduct which, if the senior claims examiner ~~for vocational~~
43 ~~rehabilitation counselor~~ were a third-party administrator to whom NRS
44 616D.120 applied, would violate the provisions of paragraphs (a) to (i), inclusive,
45 of subsection 1 of NRS 616D.120 or subsection 2 of NRS 616D.120.

46 2. An order that imposes discipline pursuant to this section and the findings
47 of fact and conclusions of law supporting that order are public records.

48 3. As used in this section, "third-party administrator" has the meaning
49 ascribed to it in NRS 616A.335.

50 Sec. 12. ~~[Any]~~ If a person ~~[who]~~ acts as a senior claims examiner ~~for~~
51 ~~vocational rehabilitation counselor~~ for an administrator without having applied
52 for and received from the Commissioner a license as a senior claims examiner
53 ~~for vocational rehabilitation counselor, as applicable, shall be fined.~~

~~1. For a first offense.....\$1,000.~~
~~2. For a second offense.....\$2,000.~~
~~3. For a third or subsequent offense\$5,000.] , the Commissioner shall~~
impose a fine of not less than \$500 and not more than \$2,500, and may deny the
person's application for a license.

Sec. 13. ~~[(A)] If an administrator : [who:]~~

1. Hires a senior claims examiner ~~for vocational rehabilitation counselor]~~
 who is not licensed pursuant to section 8 ~~for 9]~~ of this act;

2. Fails to conduct a reasonable investigation as to whether a prospective
 employee is properly licensed; or

3. Allows a senior claims examiner ~~for vocational rehabilitation counselor]~~
 to remain employed as a senior claims examiner ~~for vocational rehabilitation~~
~~counselor]~~ after the expiration of his or her license,

↳ the Commissioner shall [be fined] impose a fine of not less than \$500 and not
more than [\$5,000] \$2,500, and may revoke or refuse to renew the
administrator's certificate of registration.

Sec. 14. NRS 683A.383 is hereby amended to read as follows:

683A.383 1. A natural person who applies for the issuance or renewal of a
 certificate of registration as an administrator or a license as a producer of insurance
 , ~~for]~~ managing general agent ~~for]~~ or senior claims examiner ~~for vocational~~
~~rehabilitation counselor]~~ shall submit to the Commissioner the statement
 prescribed by the Division of Welfare and Supportive Services of the Department
 of Health and Human Services pursuant to NRS 425.520. The statement must be
 completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to
 subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance
 or renewal of the certificate of registration or license; or

(b) A separate form prescribed by the Commissioner.

3. A certificate of registration as an administrator or a license as a producer of
 insurance , ~~for]~~ managing general agent ~~for]~~ or senior claims examiner ~~for~~
~~vocational rehabilitation counselor]~~ may not be issued or renewed by the
 Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she
 is subject to a court order for the support of a child and is not in compliance with
 the order or a plan approved by the district attorney or other public agency
 enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection
 1 that the applicant is subject to a court order for the support of a child and is not in
 compliance with the order or a plan approved by the district attorney or other public
 agency enforcing the order for the repayment of the amount owed pursuant to the
 order, the Commissioner shall advise the applicant to contact the district attorney or
 other public agency enforcing the order to determine the actions that the applicant
 may take to satisfy the arrearage.

Sec. 15. NRS 683A.385 is hereby amended to read as follows:

683A.385 1. If the Commissioner receives a copy of a court order issued
 pursuant to NRS 425.540 that provides for the suspension of all professional,
 occupational and recreational licenses, certificates and permits issued to a person
 who is the holder of a certificate of registration as an administrator or a license as a
 producer of insurance , ~~for]~~ managing general agent ~~for]~~ or senior claims examiner ,
~~for vocational rehabilitation counselor]~~ the Commissioner shall suspend the
 certificate of registration or license issued to that person at the end of the 30th day

1 after the date on which the court order was issued unless the Commissioner
2 receives a letter issued to the holder of the certificate of registration or license by
3 the district attorney or other public agency pursuant to NRS 425.550 stating that the
4 holder of the certificate of registration or license has complied with the subpoena or
5 warrant or has satisfied the arrearage pursuant to NRS 425.560.

6 2. The Commissioner shall reinstate a certificate of registration as an
7 administrator or a license as a producer of insurance, ~~for~~ managing general agent
8 ~~for~~ or senior claims examiner ~~for vocational rehabilitation counselor~~ that has
9 been suspended by a district court pursuant to NRS 425.540 if the Commissioner
10 receives a letter issued by the district attorney or other public agency pursuant to
11 NRS 425.550 to the person whose certificate of registration or license was
12 suspended stating that the person whose certificate of registration or license was
13 suspended has complied with the subpoena or warrant or has satisfied the arrearage
14 pursuant to NRS 425.560.

15 **Sec. 16.** NRS 683A.387 is hereby amended to read as follows:

16 683A.387 The application of a natural person who applies for the issuance of
17 a certificate of registration as an administrator or a license as a producer of
18 insurance, ~~for~~ managing general agent ~~for~~ or senior claims examiner ~~for~~
19 ~~vocational rehabilitation counselor~~ must include the social security number of the
20 applicant.

21 **Sec. 16.5.** NRS 616A.400 is hereby amended to read as follows:

22 616A.400 The Administrator shall:

23 1. Prescribe by regulation the time within which adjudications and awards
24 must be made.

25 2. Regulate forms of notices, claims and other blank forms deemed proper
26 and advisable.

27 3. Prescribe by regulation the methods by which an insurer may approve or
28 reject claims, and may determine the amount and nature of benefits payable in
29 connection therewith.

30 4. Prescribe by regulation the method for reimbursing an injured employee for
31 expenses necessarily incurred for travel more than 20 miles one way from the
32 employee's residence or place of employment to his or her destination as a result of
33 an industrial injury.

34 5. Determine whether an insurer or third-party administrator has provided
35 adequate facilities in this State to administer claims and for the retention of a file on
36 each claim.

37 6. Evaluate the services of private carriers provided to employers in:

38 (a) Controlling losses; and

39 (b) Providing information on the prevention of industrial accidents or
40 occupational diseases.

41 7. Conduct such investigations and examinations of insurers or third-party
42 administrators as the Administrator deems reasonable to determine whether any
43 person has violated the provisions of chapters 616A to 616D, inclusive, or chapter
44 617 of NRS or to obtain information useful to enforce or administer these chapters.

45 8. Prescribe by regulation the qualifications for final approval by the Division
46 of an applicant for a certificate of registration as an administrator pursuant to
47 subsection 3 of NRS 683A.08524. The regulations must set forth qualifications
48 which provide for the final approval of those applicants whose approval is in the
49 best interests of the people of this State.

50 9. Except with respect to any matter committed by specific statute to the
51 regulatory authority of another person or agency, adopt such other regulations as
52 the Administrator deems necessary to carry out the provisions of chapters 616A to
53 617, inclusive, of NRS.

1 **Sec. 17.** NRS 616A.400 is hereby amended to read as follows:

2 616A.400 The Administrator shall:

3 1. Prescribe by regulation the time within which adjudications and awards
4 must be made.

5 2. Regulate forms of notices, claims and other blank forms deemed proper
6 and advisable.

7 3. Prescribe by regulation the methods by which an insurer may approve or
8 reject claims, and may determine the amount and nature of benefits payable in
9 connection therewith.

10 4. Prescribe by regulation the method for reimbursing an injured employee for
11 expenses necessarily incurred for travel more than 20 miles one way from the
12 employee's residence or place of employment to his or her destination as a result of
13 an industrial injury.

14 5. Determine whether an insurer or third-party administrator has provided
15 adequate facilities in this State to administer claims and for the retention of a file on
16 each claim.

17 6. Evaluate the services of private carriers provided to employers in:

18 (a) Controlling losses; and

19 (b) Providing information on the prevention of industrial accidents or
20 occupational diseases.

21 7. Conduct such investigations and examinations of insurers or third-party
22 administrators as the Administrator deems reasonable to determine whether any
23 person has violated the provisions of chapters 616A to 616D, inclusive, or chapter
24 617 of NRS or to obtain information useful to enforce or administer these chapters.

25 8. Prescribe by regulation the qualifications for final approval by the Division
26 of an applicant for a certificate of registration as an administrator pursuant to
27 subsection 3 of NRS 683A.08524. The regulations must set forth qualifications
28 which provide for the final approval of those applicants whose approval is in the
29 best interests of the people of this State.

30 9. *Prescribe by regulation the qualifications for final approval by the*
31 *Division of an applicant for a license as a senior claims examiner pursuant to*
32 *section 8 of this act ~~for a vocational rehabilitation counselor pursuant to section~~*
33 *~~9 of this act~~, including, without limitation, the consideration of the education or*
34 *experience of the applicant. The regulations must set forth qualifications which*
35 *provide for the final approval of those applicants whose approval is in the best*
36 *interests of the people of this State ~~and~~ and may provide for the administration of*
37 *an examination to an applicant.*

38 10. Except with respect to any matter committed by specific statute to the
39 regulatory authority of another person or agency, adopt such other regulations as
40 the Administrator deems necessary to carry out the provisions of chapters 616A to
41 617, inclusive, of NRS.

42 **Sec. 18.** 1. This ~~act~~ section becomes effective upon passage and approval

43 -
44 2. Section 16.5 of this act becomes effective upon passage and approval
45 for the purpose of adopting regulations and on January 1, 2012, for all other
46 purposes.

47 ~~2. Sections 14, 15 and 16 of this act expire by limitation on the date on which~~
48 ~~the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under~~
49 ~~which the state has authority to withhold or suspend, or to restrict the use of~~
50 ~~professional, occupational and recreational licenses of persons who:~~

51 ~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding~~
52 ~~to determine the paternity of a child or to establish or enforce an obligation for the~~
53 ~~support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States.]~~

3. Sections 1 to 16, inclusive, and 17 of this act become effective upon
passage and approval for the purpose of adopting regulations and on January
1, 2013, for all other purposes.