

SENATE BILL NO. 21—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE NEVADA ATTORNEY FOR INJURED WORKERS)

PREFILED DECEMBER 13, 2010

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises the requirements for reopening a claim of compensation for a permanent partial disability. (BDR 53-479)

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; revising the requirements for reopening a claim of compensation for a permanent partial disability; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires an insurer to reopen a claim of compensation for a permanent partial disability if the claimant proves three conditions are met: (1) the claim was closed and the claimant was not evaluated as required; (2) at the time of closing, the claimant met the qualifications for an evaluation; and (3) the insurer violated NRS 616D.120 with regard to the claim. (NRS 616C.392) NRS 616D.120 lists prohibited acts for which the Administrator of the Division of Industrial Relations of the Department of Business and Industry may seek penalties from an insurer, such as failure to pay, inducing a claimant to settle, refusing to process a claim, or intentionally failing to follow a statute or regulation, but does not refer to evaluations for a permanent partial disability.

This bill removes the third condition concerning a violation of NRS 616D.120, so a claimant, in order to reopen a claim, would be required to show that at the time his or her case was closed he or she was qualified to receive an evaluation and no evaluation was scheduled.



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

Section 1. NRS 616C.392 is hereby amended to read as follows:

616C.392 1. An insurer shall reopen a claim to consider the payment of compensation for a permanent partial disability if:

(a) The claim was closed and the claimant was not scheduled for an evaluation of the injury in accordance with NRS 616C.490; **and**

(b) The claimant demonstrates by a preponderance of the evidence that, at the time that the case was closed, the claimant was, because of the injury, qualified to be scheduled for an evaluation for a permanent partial disability. ~~}; and~~

~~—(c) The insurer has violated a provision of NRS 616D.120 with regard to the claim.]~~

2. The demonstration required pursuant to paragraph (b) of subsection 1 must be made with documentation that existed at the time that the case was closed.

3. Notwithstanding any specific statutory provision to the contrary, the consideration of whether a claimant is entitled to payment of compensation for a permanent partial disability for a claim that is reopened pursuant to this section must be made in accordance with the provisions of the applicable statutory and regulatory provisions that existed on the date on which the claim was closed, including, without limitation, using the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that was applicable on the date the claim was closed.

Sec. 2. This act becomes effective upon passage and approval.

