

ASSEMBLY BILL NO. 90—ASSEMBLYMAN OHRENSCHALL

FEBRUARY 11, 2013

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 53-820)

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 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 negotiations, settlements, hearings or other meetings with an insurer  
3 concerning a claim only if the person is: (1) employed full-time by the injured  
4 worker's labor organization; (2) an attorney admitted to practice law in Nevada; (3)  
5 a full-time employee of such an attorney who is supervised by that attorney; or (4)  
6 appearing on behalf of the injured worker without compensation. (NRS 616C.325)  
7 This bill allows any employee of the injured worker's labor organization to appear  
8 on the injured worker's behalf in such situations. However, in all situations where  
9 representation of an injured worker is before an appeals officer, the representative  
10 must be admitted to practice law in this State.

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 hearing 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:



- 1 (a) Employed ~~full-time~~ by the employee's labor organization;  
2 (b) Admitted to practice law in this State;  
3 (c) Employed full-time by and under the supervision of an  
4 attorney admitted to practice law in this State; or  
5 (d) Appearing without compensation on behalf of the employee.  
6 ➤ It is unlawful for any person who is not admitted to practice law  
7 in this State to 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

