

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

