

Amendment No. 429

Assembly Amendment to Assembly Bill No. 90

(BDR 53-820)

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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.

EWR/WLK



Date: 4/15/2013

A.B. No. 90—Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. (BDR 53-820)



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:

Under existing law, a person may represent an injured worker before a hearing officer or in negotiations, settlements, hearings or other meetings with an insurer concerning a claim only if the person is: (1) employed full-time by the injured worker's labor organization; (2) an attorney admitted to practice law in Nevada; (3) a full-time employee of such an attorney who is supervised by that attorney; or (4) appearing on behalf of the injured worker without compensation. (NRS 616C.325) This bill allows any employee of the injured worker's labor organization ***who is not an independent contractor*** to appear on the injured worker's behalf in such situations. However, in all situations where representation of an injured worker is before an 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:

Section 1. NRS 616C.325 is hereby amended to read as follows:
616C.325 1. It is unlawful for any person to represent an employee before a hearing officer, or in any negotiations, settlements, hearings or other meetings with an insurer concerning the employee's claim or possible claim, unless the person is:
(a) Employed ~~full-time~~ by the employee's labor organization ~~and~~ ***and is not an independent contractor***;
(b) Admitted to practice law in this State;
(c) Employed full-time by and under the supervision of an attorney admitted to practice law in this State; or
(d) Appearing without compensation on behalf of the employee.
➤ It is unlawful for any person who is not admitted to practice law in this State to represent the employee before an appeals officer.

2. It is unlawful for any person to represent an employer at hearings of contested cases unless that person is:

(a) Employed full-time by the employer or a trade association to which the employer belongs that is not formed solely to provide representation at hearings of contested cases;

(b) An employer's representative licensed pursuant to subsection 3 who is not licensed as a third-party administrator;

(c) Admitted to practice law in this State; or

(d) A licensed third-party administrator.

3. The Director of the Department of Administration shall adopt regulations which include the:

(a) Requirements for licensure of employers' representatives, including:

(1) The registration of each representative; and

(2) The filing of a copy of each written agreement for the compensation of a representative;

(b) Procedure for such licensure; and

(c) Causes for revocation of such a license, including any applicable action listed in NRS 616D.120 or a violation of this section.

4. Any person who is employed by or contracts with an employer to represent the employer at hearings regarding contested claims is an agent of the employer. If the employer's representative violates any provision of this chapter or chapter 616A, 616B, 616D or 617 of NRS, the employer is liable for any penalty assessed because of that violation.

5. An employer shall not make the compensation of any person representing the employer contingent in any manner upon the outcome of any contested claim.

6. The Director of the Department of Administration shall collect in advance and deposit with the State Treasurer for credit to the State General Fund the following fees for licensure as an employer's representative:

(a) Application and license \$78

(b) Triennial renewal of each license 78