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FIRST REPRINT

A.B. 455

ASSEMBLY BILL NO. 455—COMMITTEE
ON COMMERCE AND LABOR

MARCH 25, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to families of injured workers. (BDR 53-1102)

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 industrial insurance; authorizing the notification of injured employees and their families of certain benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the confidentiality of certain information obtained from an insurer, employer or employee and sets forth limited circumstances under which such information may be used or disclosed. (NRS 616B.012) This bill provides that the Division of Industrial Relations of the Department of Business and Industry and the Administrator of the Division are not prohibited from notifying an injured employee or the surviving spouse or dependent of an injured employee of certain benefits to which those persons may be entitled outside of the workers' compensation system of this State.

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

Section 1. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.



2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted



1 by the agency. Upon receipt of a request, the Administrator shall
2 instruct the insurer to furnish the information requested. Upon
3 receipt of such an instruction, the insurer shall furnish the
4 information requested. The insurer may charge a reasonable fee to
5 cover any related administrative expenses.

6 6. Upon request by the Department of Taxation, the
7 Administrator shall provide:

8 (a) Lists containing the names and addresses of employers; and

9 (b) Other information concerning employers collected and
10 maintained by the Administrator or the Division to carry out the
11 purposes of chapters 616A to 616D, inclusive, or chapter 617 of
12 NRS,

13 ➤ to the Department for its use in verifying returns for the taxes
14 imposed pursuant to chapters 363A, 363B and 363C of NRS. The
15 Administrator may charge a reasonable fee to cover any related
16 administrative expenses.

17 7. Any person who, in violation of this section, discloses
18 information obtained from files of claimants or policyholders or
19 obtains a list of claimants or policyholders under chapters 616A to
20 616D, inclusive, or chapter 617 of NRS and uses or permits the use
21 of the list for any political purposes, is guilty of a gross
22 misdemeanor.

23 8. All letters, reports or communications of any kind, oral or
24 written, from the insurer, or any of its agents, representatives or
25 employees are privileged and must not be the subject matter or basis
26 for any lawsuit if the letter, report or communication is written, sent,
27 delivered or prepared pursuant to the requirements of chapters 616A
28 to 616D, inclusive, or chapter 617 of NRS.

29 9. The provisions of this section do not prohibit the
30 Administrator or the Division from ~~disclosing~~ :

31 (a) *Disclosing* any nonproprietary information relating to an
32 uninsured employer or proof of industrial insurance ~~H~~; or

33 (b) *Notifying an injured employee or the surviving spouse or*
34 *dependent of an injured employee of benefits to which such*
35 *persons may be entitled in addition to those provided pursuant to*
36 *the provisions of chapters 616A to 616D, inclusive, or chapter 617*
37 *of NRS but only if:*

38 (1) *The notification is solely for the purpose of informing*
39 *the recipient of benefits that are available to the recipient; and*

40 (2) *The content of the notification is limited to information*
41 *concerning services which are offered by nonprofit entities.*

42 **Sec. 2.** This act becomes effective on July 1, 2019.

