

Amendment No. 215

Assembly Amendment to Assembly Bill No. 455	(BDR 53-1102)
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	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DP/WLK



Date: 4/15/2019

A.B. No. 455—Makes various changes relating to families of injured workers.
(BDR 53-1102)



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:

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

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

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

6 (d) The Department of Taxation; and

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

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

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

23 5. To further a current criminal investigation, the chief executive officer of
24 any law enforcement agency of this State may submit to the Administrator a written
25 request for the name, address and place of employment of any person listed in the
26 records of an insurer. The request must set forth the social security number of the
27 person about whom the request is made and contain a statement signed by the chief
28 executive officer certifying that the request is made to further a criminal
29 investigation currently being conducted by the agency. Upon receipt of a request,
30 the Administrator shall instruct the insurer to furnish the information requested.
31 Upon receipt of such an instruction, the insurer shall furnish the information
32 requested. The insurer may charge a reasonable fee to cover any related
33 administrative expenses.

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

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

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

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

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

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

1 9. The provisions of this section do not prohibit the Administrator or the
2 Division from ~~{disclosing}~~ :

3 (a) *Disclosing* any nonproprietary information relating to an uninsured
4 employer or proof of industrial insurance ~~{}~~ ; or

5 (b) *Notifying an injured employee or the surviving spouse or dependent of an*
6 *injured employee of benefits to which such persons may be entitled in addition to*
7 *those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or*
8 *chapter 617 of NRS ~~{}~~ but only if:*

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

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

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