

SENATE BILL NO. 266—SENATOR GOICOECHEA

MARCH 17, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to workers' compensation. (BDR 53-706)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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; revising provisions governing claims for compensation; revising provisions governing an employer's duty to file a report of industrial injury or occupational disease; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth certain requirements for the filing of a claim for compensation for an injured employee after the initial treatment of the employee. (NRS 616C.040) **Section 1** of this bill revises the requirements to: (1) expressly authorize the examination and treatment of an injured employee in person or through telehealth; (2) authorize a claim to be filed by mail or electronic transmission; (3) authorize the treating physician or chiropractor to delegate the duty to file a claim to a physician assistant or an advanced practice registered nurse at a medical facility; and (4) authorize an injured employee, an employer's insurer or the third-party administrator of a self-insured employer to request that a medical examination of the injured employee be performed in person by a physician or chiropractor if the initial examination or treatment of the injured employee was performed through telehealth.

Existing law requires an employer to file with his or her insurer or third-party administrator the employer's report of industrial injury or occupational disease after receiving a claim for compensation from a physician or chiropractor. (NRS 616C.045) **Section 2** of this bill makes conforming changes to require an employer to file the report of industrial injury or occupational disease after receiving a claim for compensation from a physician assistant or advanced practice registered nurse to whom the duty to file the claim was delegated.



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

**Section 1.** NRS 616C.040 is hereby amended to read as follows:

616C.040 1. Except as otherwise provided in this section, a treating physician or chiropractor shall, within 3 working days after first providing *an examination of or* treatment to an injured employee for a particular injury, *in person or through telehealth,* complete and file a claim for compensation with the employer of the injured employee and the employer's insurer. If the employer is a self-insured employer, the treating physician or chiropractor shall file the claim for compensation with the employer's third-party administrator. ~~[If the]~~ *The* physician or chiropractor ~~[files]~~ *shall, by mail or electronic transmission, file* the claim for compensation ~~[by electronic transmission, the physician or chiropractor shall, upon request, mail to]~~ *with* the insurer or third-party administrator ~~[the form that contains the original signatures of the injured employee and the physician or chiropractor. The form must be mailed within 7 days after receiving such a request.]~~, *as applicable, in accordance with the requirements of subsections 3 and 4.*

2. A physician or chiropractor who has a duty to file a claim for compensation pursuant to subsection 1 may delegate the duty to *a physician assistant or advanced practice registered nurse at* a medical facility. If the physician or chiropractor delegates the duty to *a physician assistant or advanced practice registered nurse at* a medical facility:

(a) The ~~[medical facility]~~ *physician assistant or advanced practice registered nurse, as applicable,* must comply with the filing requirements set forth in this section; and

(b) The delegation must be in writing and signed by:

(1) The physician or chiropractor; and

(2) An authorized representative of the medical facility.

3. A claim for compensation required by subsection 1 must be ~~[filed]~~ :

(a) *Filed* on a form prescribed by the Administrator ~~[H]~~; and

(b) *Signed with the original or electronic signature of the injured employee and:*

(1) *The treating physician or chiropractor; or*

(2) *The physician assistant or advanced practice registered nurse to whom the duty to file the claim for compensation is delegated pursuant to subsection 2.*

4. *If the injured employee was examined or treated through telehealth, the treating physician or chiropractor, or the physician assistant or advanced practice registered nurse to whom the duty*



1 to file the claim is delegated, must so indicate on the form  
2 prescribed by the Administrator for a claim for compensation.

3 5. If an injured employee receives an initial examination or  
4 treatment through telehealth in accordance with subsection 1, a  
5 claim for compensation is filed with the insurer or third-party  
6 administrator as required by subsection 1 and the insurer has not  
7 yet made a determination regarding the acceptance or denial of  
8 the claim pursuant to NRS 616C.065:

9 (a) The injured employee may obtain another medical  
10 examination of the injured employee to be performed in person by  
11 submitting a written request for the medical examination to the  
12 insurer or third-party administrator, as applicable, not later than  
13 10 days after the initial examination or treatment. Upon receipt of  
14 the written request, the insurer or third-party administrator, as  
15 applicable, shall schedule the medical examination with a  
16 physician or chiropractor in the discipline or specialization of  
17 occupational medicine set forth in paragraph (p) of subsection 2  
18 of NRS 616C.087.

19 (b) The insurer or third-party administrator, as applicable,  
20 may obtain another medical examination of the injured employee  
21 to be performed in person by scheduling the medical examination  
22 and providing notice to the injured employee of the scheduled  
23 medical examination not later than 10 days after the insurer or  
24 third-party administrator receives the claim for compensation. The  
25 insurer or third-party administrator, as applicable, shall schedule  
26 the medical examination with a physician or chiropractor in the  
27 discipline or specialization of occupational medicine set forth in  
28 paragraph (p) of subsection 2 of NRS 616C.087.

29 6. A physician or chiropractor in a discipline or specialization  
30 of occupational medicine set forth in paragraph (p) of subsection  
31 2 of NRS 616C.087 who performs a medical examination of an  
32 injured employee in person pursuant to this section shall:

33 (a) Review the findings of the examination or treatment of the  
34 injured employee performed through telehealth pursuant to  
35 subsection 1 and confirm or amend the findings; and

36 (b) Not later than 10 days after performing the medical  
37 examination, submit a report of the findings of the medical  
38 examination to:

39 (1) The injured employee; and

40 (2) The insurer or third-party administrator, as applicable.

41 7. If a claim for compensation is accompanied by a certificate  
42 of disability, the certificate must include a description of any  
43 physical limitation or ~~restrictions~~ restriction on the injured  
44 employee's ability to work.



1 ~~[5-]~~ 8. Each physician, chiropractor, *physician assistant,*  
2 *advanced practice registered nurse* and medical facility that treats  
3 injured employees, each insurer, third-party administrator and  
4 employer, and the Division shall maintain at their offices a sufficient  
5 supply of the forms prescribed by the Administrator for filing a  
6 claim for compensation.

7 ~~[6-]~~ 9. The Administrator may impose an administrative fine  
8 of not more than \$1,000 for each violation of subsection 1 on:

9 (a) A physician or chiropractor; or

10 (b) A *physician assistant or advanced practice registered nurse*  
11 *at a* medical facility if the duty to file the claim for compensation  
12 has been delegated to the ~~[medical facility]~~ *physician assistant or*  
13 *advanced practice registered nurse, as applicable,* pursuant to this  
14 section.

15 *10. As used in this section, "telehealth" has the meaning*  
16 *ascribed to it in NRS 629.515.*

17 **Sec. 2.** NRS 616C.045 is hereby amended to read as follows:

18 616C.045 1. Except as otherwise provided in NRS 616B.727,  
19 within 6 working days after the receipt of a claim for compensation  
20 from a physician or chiropractor, or *a physician assistant or*  
21 *advanced practice registered nurse at* a medical facility if the duty  
22 to file the claim for compensation has been delegated to the  
23 ~~[medical facility]~~ *physician assistant or advanced practice*  
24 *registered nurse* pursuant to NRS 616C.040, an employer shall  
25 complete and file with his or her insurer or third-party administrator  
26 an employer's report of industrial injury or occupational disease.

27 2. The report must:

28 (a) Be filed on a form prescribed by the Administrator;

29 (b) Be signed by the employer or the employer's designee;

30 (c) Contain specific answers to all questions required by the  
31 regulations of the Administrator; and

32 (d) Be accompanied by a statement of the wages of the  
33 employee if the claim for compensation received from the treating  
34 physician or chiropractor, or *a physician assistant or advanced*  
35 *practice registered nurse at* a medical facility if the duty to file the  
36 claim for compensation has been delegated to the ~~[medical facility]~~  
37 *physician assistant or advanced practice registered nurse* pursuant  
38 to NRS 616C.040, indicates that the injured employee is expected to  
39 be off work for 5 days or more.

40 3. An employer who files the report required by subsection 1  
41 by electronic transmission shall, upon request, mail to the insurer or  
42 third-party administrator the form that contains the original  
43 signature of the employer or the employer's designee. The form  
44 must be mailed within 7 days after receiving such a request.



- 1        4. The Administrator shall impose an administrative fine of not  
2 more than \$1,000 on an employer for each violation of this section.  
3        **Sec. 3.** This act becomes effective upon passage and approval.

