

SENATE BILL NO. 376—SENATOR DALY

MARCH 17, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing industrial insurance.
(BDR 53-629)

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; authorizing an injured employee with a claim for an occupational lung disease or occupational heart disease to seek treatment or services from a physician or chiropractic physician which is not on the panel of physicians and chiropractic physicians maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry under certain circumstances; setting forth certain requirements for the reimbursement of the costs for such treatment or services; providing for a penalty for failure to comply with those requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act, which provide for the payment of compensation to employees who are injured or disabled as a result of an occupational injury or occupational disease. (Chapters 616A-616D and 617 of NRS) Existing law provides for the payment of compensation for claims for the occupational diseases of lung disease and heart disease for certain firefighters, arson investigators and police officers. (NRS 617.455, 617.457)

Existing law requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to maintain a panel of physicians and chiropractic physicians to treat the injured employees of certain employers under the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act. (NRS 616C.087, 616C.090) Existing law authorizes an injured employee to choose a treating physician or chiropractic physician from the panel unless the insurer of the injured employee's employer has entered into certain contracts with an organization for managed care or with providers of health care, in which case the



injured employee is required to choose a physician or chiropractic physician in accordance with the provisions of the contract. (NRS 616C.090)

Sections 1, 2 and 4 of this bill provide an exception from those requirements to authorize certain injured employees who have filed a claim for the occupational diseases of lung disease or heart disease to seek treatment or other services from a physician or chiropractic physician of his or her own choice if the panel of treating physicians or chiropractic physicians maintained by the Administrator contains fewer than 12 physicians or chiropractic physicians who accept and treat injured employees in a discipline or specialization appropriate for the treatment of or the provision of other services related to the occupational disease of the injured employee.

Section 2 also provides that the injured employee or certain other persons who pay for the treatment or services may seek full reimbursement for the costs of the treatment or services from the employer of the injured employee or certain other persons who are obligated to provide applicable coverage or benefits to the injured employee by providing a request for reimbursement, which includes certain specified contents. **Section 2** requires a person from whom reimbursement is sought to fully reimburse the requester not later than 30 days after receiving notice of the request for reimbursement. Under **section 2**, if the person fails to fully reimburse the requester within that time, the Administrator is required to order the person to pay to the requester an amount that is equal to three times the amount of the reimbursement for each day the reimbursement remains unpaid beginning on the date on which the person received the request for reimbursement.

Sections 3 and 5 of this bill revise provisions of existing law relating to the selection of a treating physician or chiropractic physician to reflect the selection of a physician or chiropractic physician pursuant to **section 2**.

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

Section 1. NRS 616B.527 is hereby amended to read as follows:

616B.527 1. A self-insured employer, an association of self-insured public or private employers or a private carrier may:

(a) Except as otherwise provided in NRS 616B.5273, enter into a contract or contracts with one or more organizations for managed care to provide comprehensive medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(b) Enter into a contract or contracts with providers of health care, including, without limitation, physicians who provide primary care, specialists, pharmacies, physical therapists, radiologists, nurses, diagnostic facilities, laboratories, hospitals and facilities that provide treatment to outpatients, to provide medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(c) Require employees to obtain medical and health care services for their industrial injuries from those organizations and persons with whom the self-insured employer, association or private



1 carrier has contracted pursuant to paragraphs (a) and (b), or as the
2 self-insured employer, association or private carrier otherwise
3 prescribes.

4 (d) Except as otherwise provided in subsection 4 of NRS
5 616C.090 ~~H~~ *and subsection 1 of section 2 of this act*, require
6 employees to obtain the approval of the self-insured employer,
7 association or private carrier before obtaining medical and health
8 care services for their industrial injuries from a provider of health
9 care who has not been previously approved by the self-insured
10 employer, association or private carrier.

11 2. An organization for managed care with whom a self-insured
12 employer, association of self-insured public or private employers or
13 a private carrier has contracted pursuant to this section shall comply
14 with the provisions of NRS 616B.528, 616B.5285 and 616B.529.

15 **Sec. 2.** Chapter 616C of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 *1. If an injured employee has filed a claim pursuant to NRS*
18 *617.455 or 617.457 and, at the time the claim is filed, the panel of*
19 *physicians or chiropractic physicians maintained by the*
20 *Administrator pursuant to NRS 616C.090 contains fewer than 12*
21 *physicians or chiropractic physicians who accept and treat injured*
22 *employees in a discipline or specialization appropriate for the*
23 *treatment of or the provision of other services relating to the*
24 *occupational disease of the injured employee, the injured*
25 *employee may seek treatment or other services related to the*
26 *occupational disease of the injured employee from a physician or*
27 *chiropractic physician of his or her choice.*

28 *2. If an injured employee seeks treatment or services*
29 *pursuant to subsection 1, the treatment or services may be paid for*
30 *by the injured employee or a health insurer or casualty insurer on*
31 *behalf of the injured employee.*

32 *3. Full reimbursement of the amount paid by:*

33 *(a) The injured employee who paid for his or her own*
34 *treatment or services; or*

35 *(b) A health insurer or casualty insurer who paid for treatment*
36 *or services on behalf of the injured employee,*

37 *↪ pursuant to subsection 2 may be sought by the injured*
38 *employee, health insurer or casualty insurer, as applicable, from*
39 *the employer of the injured employee or an insurer, organization*
40 *for managed care or third-party administrator, as applicable, who*
41 *is obligated to provide applicable coverage or benefits to the*
42 *injured employee.*

43 *4. To seek reimbursement as described in subsection 3, the*
44 *injured employee, health insurer or casualty insurer must submit a*
45 *request for reimbursement to the employer of the injured employee*



1 *or the employer's insurer, organization for managed care or third-*
2 *party administrator, as applicable. The request for reimbursement*
3 *must include, without limitation:*

4 (a) *The identity of the injured employee for whom the costs of*
5 *treatment and services was paid.*

6 (b) *A description of the treatment and services provided to the*
7 *injured employee.*

8 (c) *The identity of the person who paid for the treatment and*
9 *services for the injured employee.*

10 (d) *The costs of treatment and services for which*
11 *reimbursement is being requested.*

12 5. *Not later than 30 days after receipt of a request for*
13 *reimbursement submitted pursuant to subsection 4, the employer*
14 *of the injured employee or the employer's insurer, organization*
15 *for managed care or third-party administrator, as applicable, from*
16 *whom reimbursement is sought shall fully reimburse the injured*
17 *employee, health insurer or casualty insurer, as applicable, who*
18 *paid for treatment and services on behalf of the injured employee*
19 *for the amount paid for the treatment or services as set forth in the*
20 *request for reimbursement.*

21 6. *If the Administrator determines that an insurer,*
22 *organization for managed care or third-party administrator has*
23 *failed to fully reimburse an injured employee, health insurer or*
24 *casualty insurer, as applicable, within the time required by*
25 *subsection 5, the Administrator shall order the insurer,*
26 *organization for managed care or third-party administrator to pay*
27 *to the injured employee, health insurer or casualty insurer, as*
28 *applicable, an amount equal to three times the amount of*
29 *reimbursement required for each day that the reimbursement*
30 *remains unpaid beginning on the date on which the insurer,*
31 *organization for managed care or third-party administrator*
32 *received the request for reimbursement submitted pursuant to*
33 *subsection 4.*

34 7. *Any amount ordered by the Administrator to be paid*
35 *pursuant to subsection 6 is in addition to any amounts for:*

36 (a) *Benefits to which the injured employee is entitled under the*
37 *claim for the occupational disease set forth in NRS 617.455 or*
38 *617.457, as applicable; and*

39 (b) *Any fines and penalties imposed by the Administrator*
40 *pursuant to NRS 616D.120.*

41 8. *As used in this section:*

42 (a) *"Casualty insurer" means an insurer or other organization*
43 *providing coverage or benefits under a policy or contract of*
44 *casualty insurance in the manner described in subsection 2 of*
45 *NRS 681A.020.*



(b) *“Health insurer” means an insurer or other organization providing health coverage or benefits in accordance with state or federal law.*

Sec. 3. NRS 616C.050 is hereby amended to read as follows:
616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant’s injury or illness.

(b) A statement which contains information concerning the claimant’s right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090 ~~H~~ *and section 2 of this act;*

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant’s injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant’s injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer’s statement must include a copy of the form designed by the Administrator pursuant to subsection 12 of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 4. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have



1 demonstrated special competence and interest in industrial health to
2 treat injured employees under chapters 616A to 616D, inclusive, or
3 chapter 617 of NRS. The Administrator shall maintain the following
4 information relating to each physician and chiropractic physician on
5 the panel:

6 (a) The name of the physician or chiropractic physician.

7 (b) The title or degree of the physician or chiropractic physician.

8 (c) The legal name of the practice of the physician or
9 chiropractic physician and the name under which the practice does
10 business.

11 (d) The street address of the location of every office of the
12 physician or chiropractic physician.

13 (e) The telephone number of every office of the physician or
14 chiropractic physician.

15 (f) Every discipline and specialization practiced by the physician
16 or chiropractic physician.

17 (g) Every condition and part of the body which the physician or
18 chiropractic physician will treat.

19 2. Every employer whose insurer has not entered into a
20 contract with an organization for managed care or with providers of
21 health care pursuant to NRS 616B.527 shall maintain a list of those
22 physicians and chiropractic physicians on the panel who are
23 reasonably accessible to his or her employees.

24 3. ~~[Am]~~ *Except as otherwise provided in section 2 of this act,*
25 *an* injured employee whose employer's insurer has not entered into
26 a contract with an organization for managed care or with providers
27 of health care pursuant to NRS 616B.527 may choose a treating
28 physician or chiropractic physician from the panel of physicians and
29 chiropractic physicians. If the injured employee is not satisfied with
30 the first physician or chiropractic physician he or she so chooses, the
31 injured employee may make an alternative choice of physician or
32 chiropractic physician from the panel if the choice is made within 90
33 days after his or her injury. The insurer shall notify the first
34 physician or chiropractic physician in writing. The notice must be
35 postmarked within 3 working days after the insurer receives
36 knowledge of the change. The first physician or chiropractic
37 physician must be reimbursed only for the services the physician or
38 chiropractic physician, as applicable, rendered to the injured
39 employee up to and including the date of notification. Except as
40 otherwise provided in this subsection, any further change is subject
41 to the approval of the insurer or by order of a hearing officer or
42 appeals officer. A request for a change of physician or chiropractic
43 physician must be granted or denied within 10 days after a written
44 request for such a change is received from the injured employee. If
45 the insurer takes no action on the request within 10 days, the request



shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. ~~[An]~~ *Except as otherwise provided in section 2 of this act, an* injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic physician pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select a physician or



1 chiropractic physician, the insurer may select a physician
2 or chiropractic physician with that specialization. If a physician or
3 chiropractic physician with that specialization is not available
4 pursuant to the terms of the contract, the organization for managed
5 care or the provider of health care may select a physician or
6 chiropractic physician with that specialization.

7 5. If the injured employee is not satisfied with the physician or
8 chiropractic physician selected by himself or herself or by the
9 insurer, the organization for managed care or the provider of health
10 care pursuant to subsection 4, the injured employee may make an
11 alternative choice of physician or chiropractic physician pursuant to
12 the terms of the contract. A change in the treating physician or
13 chiropractic physician may be made at any time but is subject to the
14 approval of the insurer or by order of a hearing officer or appeals
15 officer. A request for a change of physician or chiropractic
16 physician must be granted or denied within 10 days after a written
17 request for such a change is received from the injured employee. If
18 no action is taken on the request within 10 days, the request shall be
19 deemed granted. Any request for a change of physician or
20 chiropractic physician must include the name of the new physician
21 or chiropractic physician chosen by the injured employee. If the
22 insurer denies a request for a change in the treating physician or
23 chiropractic physician under this subsection, the insurer must
24 include in a written notice of denial to the injured employee the
25 specific reason for the denial of the request.

26 6. Except when emergency medical care is required and except
27 as otherwise provided in NRS 616C.055, the insurer is not
28 responsible for any charges for medical treatment or other accident
29 benefits furnished or ordered by any physician, chiropractic
30 physician or other person selected by the injured employee in
31 disregard of the provisions of this section or for any compensation
32 for any aggravation of the injured employee's injury attributable to
33 improper treatments by such physician, chiropractic physician or
34 other person.

35 7. The Administrator may order necessary changes in a panel
36 of physicians and chiropractic physicians and shall:

37 (a) Suspend or remove any physician or chiropractic physician
38 from a panel for good cause shown in accordance with NRS
39 616C.087; and

40 (b) Remove from being included on a panel as a practitioner of a
41 discipline or specialization any physician or chiropractic physician
42 who does not accept and treat injured employees for industrial
43 injuries or occupational diseases in that discipline or specialization.

44 8. Any interested person may notify the Administrator, on a
45 form prescribed by the Administrator, if the person believes that a



physician or chiropractic physician does not accept and treat injured employees:

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed from a panel as a practitioner of a discipline or specialization pursuant to paragraph (b) of subsection 7 may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

(a) If the insurer provides written authorization for such treatment; or

(b) By order of a hearing officer or appeals officer.

12. The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 5. NRS 616C.475 is hereby amended to read as follows:

616C.475 1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his or her dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a temporary total



1 disability during the time the injured employee is incarcerated. The
2 injured employee or his or her dependents are entitled to receive
3 such benefits when the injured employee is released from
4 incarceration if the injured employee is certified as temporarily
5 totally disabled by a physician or chiropractic physician.

6 3. If a claim for the period of temporary total disability is
7 allowed, the first payment pursuant to this section must be issued by
8 the insurer within 14 working days after receipt of the initial
9 certification of disability and regularly thereafter.

10 4. Any increase in compensation and benefits effected by the
11 amendment of subsection 1 is not retroactive.

12 5. Payments for a temporary total disability must cease when:

13 (a) A physician or chiropractic physician determines that the
14 employee is physically capable of any gainful employment for
15 which the employee is suited, after giving consideration to the
16 employee's education, training and experience;

17 (b) The employer offers the employee light-duty employment or
18 employment that is modified according to the limitations or
19 restrictions imposed by a physician or chiropractic physician
20 pursuant to subsection 7; or

21 (c) Except as otherwise provided in NRS 616B.028 and
22 616B.029, the employee is incarcerated.

23 6. Each insurer may, with each check that it issues to an injured
24 employee for a temporary total disability, include a form approved
25 by the Division for the injured employee to request continued
26 compensation for the temporary total disability.

27 7. A certification of disability issued by a physician or
28 chiropractic physician must:

29 (a) Include the period of disability and a description of any
30 physical limitations or restrictions imposed upon the work of the
31 employee;

32 (b) Specify whether the limitations or restrictions are permanent
33 or temporary; and

34 (c) Be signed by the treating physician or chiropractic physician
35 authorized pursuant to NRS 616B.527 or appropriately chosen
36 pursuant to subsection 4 or 5 of NRS 616C.090 **or subsection 1**
37 **of section 2 of this act.**

38 8. If the certification of disability specifies that the physical
39 limitations or restrictions are temporary, the employer of the
40 employee at the time of the employee's accident may offer
41 temporary, light-duty employment to the employee. If the employer
42 makes such an offer, the employer shall confirm the offer in writing
43 within 10 days after making the offer. The making, acceptance or
44 rejection of an offer of temporary, light-duty employment pursuant
45 to this subsection does not affect the eligibility of the employee to



1 receive vocational rehabilitation services, including compensation,
2 and does not exempt the employer from complying with NRS
3 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations
4 adopted by the Division governing vocational rehabilitation
5 services. Any offer of temporary, light-duty employment made by
6 the employer must specify a position that:

7 (a) Is substantially similar to the employee's position at the time
8 of his or her injury in relation to the location of the employment and
9 the hours the employee is required to work;

10 (b) Provides a gross wage that is:

11 (1) If the position is in the same classification of
12 employment, equal to the gross wage the employee was earning at
13 the time of his or her injury; or

14 (2) If the position is not in the same classification of
15 employment, substantially similar to the gross wage the employee
16 was earning at the time of his or her injury; and

17 (c) Has the same employment benefits as the position of the
18 employee at the time of his or her injury.

19 **Sec. 6.** The amendatory provisions of this act apply
20 prospectively with regard to any claim filed pursuant to chapters
21 616A to 616D, inclusive, or 617 of NRS which is filed on or after
22 October 1, 2025.



