



DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
DIVISION COUNSEL

NOTICE OF INTENT TO ACT ON PROPOSED REGULATIONS

Notice of Hearing for the Adoption of Regulations
of the Division of Industrial Relations,
Department of Business and Industry

LCB File No. R130-14

The Division of Industrial Relations, Department of Business and Industry, State of Nevada (the "Division"), will conduct a public hearing to add Sections: regulating the transfer of claims files and the purchase of a modified vehicle as an accident benefit; and to amend Sections 616C.088, 616C.091, 616C.097, 616C.082, 616C.123, 616C.145, 616C.146, 616C.147, 616C.149, 616C.555, 616D.060, 617.070 and 617.080 of the Nevada Administrative Code.

The public hearing on these proposed regulations will be conducted by videoconference on Thursday, February 18, 2016 at 9:00 a.m. at the following locations:

Grant Sawyer Building
555 East Washington Avenue
Room 4412
Las Vegas, Nevada

Legislative Building
401 South Carson Street
Room 2135
Carson City, Nevada

This public workshop will also be available for viewing at that time on the Legislative Counsel Bureau's website at <https://leg.state.nv.us/App/Calendar/A/>.

Pursuant to NRS 233B.0603, the Division is providing the following information pertaining to the public hearing and the proposed regulations.

The need and purpose of the proposed regulations: *The Division of Industrial Relations, Workers' Compensation Section's proposed regulations revise outdated definitions, references to nonexistent offices and contact information for required publications; establish procedures for the transfer of claims files between insurers and third party administrators; revise provisions relating to the submission of correspondence and other documents to insurers; establish provisions relating to the submission of a written request for a determination by an insurer; establish procedures and requirements for the purchase of a modified motor vehicle as an accident benefit; revise provisions relating to recordkeeping and the maintenance of claim files; revise provisions relating to the*

determination and notification of claim acceptance or denial by an insurer; establish deadlines for a physician's or chiropractor's report on the status of an injured employee; revise provisions relating to the contents and maintenance of a rating evaluation by a physician or chiropractor; revise provisions relating to vocational rehabilitation; and authorizing, under certain circumstances, an employee to schedule physical examinations for firefighters, police officers and arson investigators.

The terms and substance of the proposed regulations: *Section 1 of this regulation establishes provisions governing the transfer from one insurer or third-party administrator to another of a claim file, including the information which must be included and the persons to whom notice of such a transfer must be given. Sections 4 through 6, 9 (amending NAC 616C.088), 10 (amending NAC 616C.091) and 12 (amending NAC 616C.097) revise the duties of an insurer with regard to industrial insurance to extend those requirements to a third-party administrator. Section 7 sets forth certain requirements concerning the purchase by an insurer or employer on behalf of an injured employee of a modified motor vehicle as an accident benefit. Section 8 amends NAC 616C.082 to allow an insurer, third-party administrator or organization for managed care to maintain an electronic date of receipt for all documents received in a claim. Sections 13 (amending NAC 616C.123), 15 through 17 (amending NAC 616C.145, 616C.146, and 616C.147, respectively) and 19 (amending NAC 616C.149) update provisions setting forth information regarding obtaining copies of documents adopted by reference by the Administrator. Section 20 amending NAC 616C.555 revises the duties of an insurer with regard to the vocational rehabilitation counselor assigned to a claim and the plan for a program of vocational rehabilitation created for an injured employee. Section 21 amends NAC 616D.060 to include an employee leasing company as an entity upon whom the Administrator will serve a copy of findings of fact and conclusions of law and notice of the right to petition for judicial review. Section 23 amends NAC 617.070 to authorize a blood test for glucose. Section 24 amends NAC 617.080 to provide that a firefighter or police officer and his or her employer may agree in writing that the employee is responsible for scheduling required physical examinations.*

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

Adverse: The Division believes that there will be no adverse effects, either immediate or long-term, that would negatively impact regulated business. The Division also believes that there is no adverse effects anticipated, either immediate or long-term, that would negatively impact the general public. The adverse impact, if any, would solely be to workers' compensation insurance carriers and third-party administrators in revising their claims processing procedures.

Beneficial: The Division believes that there will be no beneficial effects, either immediate or long-term, that would impact regulated businesses. The Division believes that there will be no beneficial effects, either immediate or long-term, that would impact the general public. The Division believes that the proposed regulations clarify the responsibilities and duties of workers' compensation insurance carriers and additional protections for injured employees when claims are transferred between insurers or third-party administrators.

The methods used by the agency in determining the impact on a small business: *Because there will be minimal financial effect on insurers, third-party administrators, employee leasing companies and the employers of firefighters, police officers and arson investigators, the Division determined that this regulation will have no effect on small businesses, either adverse or beneficial.*

The estimated cost to the Division for enforcement of the proposed regulations: *There is no additional cost to the Division for enforcement of this regulation.*

The Division believes that the proposed regulation does not overlap or duplicate any existing regulations. *The proposed regulations are not required by federal law; and there is no equivalent federal regulation.*

The proposed regulation does not establish a new fee or increase an existing fee.

The Division invites representatives of regulated businesses and the public to attend the public hearing and/or prepare written and/or oral comments concerning the proposed regulations. Interested persons may submit written comments to Donald C. Smith, Esq., Senior Division Counsel, Division of Industrial Relations, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074. Written submissions must be received by the Division by February 15, 2016. If no person who is directly affected by the proposed regulation appears to make oral comments, the Division will proceed immediately to act upon any written submissions.

Persons with disabilities who require special accommodations or assistance at the public hearing must notify Alma Johnson, at the Division of Industrial Relations, Workers' Compensation Section, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074, in writing or by calling (702) 486-9019 at least three (3) working days prior to the scheduled hearing date.

A copy of this notice and the proposed regulations are available at the Division's web page (<http://www.dirweb.state.nv.us/WCS/wcs.htm>), the Division's offices (400 West King, Suite 201, Carson City, Nevada; 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada; 4600 Kietzke Lane, Suite F-153, Reno, Nevada) and at the main branch of the public library of each county. Additional copies of the notice and proposed regulations will be available at the main public library, for inspection and copying by members of the public during business hours, in all counties in which an office of the Division is not maintained. This notice and the text of the proposed regulations are also in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency (the Division), if requested to do so by an interested person, either before adoption or thirty days thereafter, shall issue a concise statement or the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the Division's offices; the Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada; Director's Office, Department of Business and Industry, 555 E. Washington Avenue, #4900, Las Vegas, Nevada; the Bradley Building, 2501 West Sahara Avenue, Las Vegas, Nevada; and the Nevada State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada. In addition, this notice has been posted on the Division's Web site at: <http://dirweb.state.nv.us/WCS/wcs.htm>.