

**PROPOSED REGULATION OF THE
CHIEF OF THE HEARINGS DIVISION OF THE
DEPARTMENT OF ADMINISTRATION**

LCB File No. R007-26

March 4, 2026

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-8, NRS 616C.310.

A REGULATION relating to industrial insurance; revising provisions governing the filing, submission, review and service of documents in contested cases; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes an aggrieved party in a contested case relating to industrial insurance to: (1) request a hearing before a hearing officer; and (2) appeal from a decision of a hearing officer or from a determination made by certain parties. (NRS 616C.315, 616C.345) Existing law also authorizes the Chief of the Hearings Division of the Department of Administration to adopt regulations governing the procedures for the determination of contested cases. (NRS 616C.310) Existing regulations require the Hearings Division to: (1) develop and maintain an electronic filing system for the filing and service of documents relating to contested cases; and (2) facilitate access to the electronic filing system by a party who is not represented by counsel or by a licensed representative. (Section 1 of LCB File No. R102-23)

Section 2 of this regulation provides that a pleading or other document required to be filed with or submitted to the Hearings Division in writing pursuant to provisions of the Nevada Administrative Code governing contested cases may be filed or submitted in electronic form.

Section 3 of this regulation establishes criteria for determining when a document filed in a contested case constitutes a nonconforming document. **Section 3** also sets forth procedures for the review, curing and striking of nonconforming documents.

Section 4 of this regulation requires the Hearings Division and certain service providers with whom the Hearings Division contracts to take reasonable steps to provide notice to users of the electronic filing system of technical problems that preclude electronic filing. **Section 4** further provides that, if technical problems with the electronic filing system prevent the Hearings Division from accepting electronic filings on a particular day, a filing must be deemed received on that day upon a showing that the user of the system made reasonable attempts to file the document.

Section 5 of this regulation defines the term “electronic filing system” for purposes of certain provisions of the Nevada Administrative Code governing contested claims of injured employees. (NAC 616C.260)

Existing regulations require a request for a hearing before a hearing officer or a notice of appeal filed with the Hearings Division to be filed on specified forms. Existing regulations also require an insurer or the third-party administrator for an insurer to provide certain information on those forms. (NAC 616C.274) **Section 6** of this regulation revises these requirements by providing that a request for a hearing, a notice of appeal or a notice of a contested claim must be filed on a form generated by the electronic filing system if the filing party is required to use that system, or on a form provided by an insurer, an organization for managed care or the Hearings Division if the filing party is not required to use the system. **Section 6** further requires a party who is required to use the electronic filing system to complete all required fields in the form generated by the system and provides that errors in input are attributable to the party who input the data.

Existing regulations establish requirements governing the filing and service of documents in contested cases. (NAC 616C.291) **Section 7** of this regulation: (1) revises the permissible methods of service; (2) establishes provisions governing when a document submitted to the electronic filing system is deemed filed; and (3) provides that a party who is required to use the electronic filing system is responsible for verifying the successful submission of documents to the system.

Section 8 of this regulation provides that a party who is required to use the electronic filing system is deemed to have consented to service of documents through the system. **Section 8** further provides that a party who is not required to use the electronic filing system is not deemed to have consented to electronic service, but may elect to receive electronic service by registering with the system.

Section 1. Chapter 616C of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *A pleading or other document required to be filed with or submitted to the Hearings Division in writing pursuant to NAC 616C.260 to 616C.336, inclusive, may be filed or submitted, as applicable, in electronic form.*

Sec. 3. 1. *A document filed with the Hearings Division in a contested case is a nonconforming document if the document:*

(a) Is filed in the wrong case; or

(b) Does not, to the extent practicable, comply with Rule 7.20 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

2. The Hearings Division will review each document filed in a contested case to determine whether the document is a nonconforming document.

3. If the Hearings Division determines that a document is a nonconforming document, the Hearings Division will notify the filer of the nonconformity and provide the filer an opportunity to cure the nonconformity by submitting a conforming document not later than 7 days after receiving notice of the nonconformity, unless the Hearings Division orders otherwise.

4. If a filer fails to cure a nonconformity within the time specified in subsection 3, the Hearings Division may strike the nonconforming document.

5. The Hearings Division may strike any document filed to commence an action that is not a request for a hearing, a notice of appeal or a notice of a contested claim and close the case as filed in error. Upon doing so, the Hearings Division will notify the filer and each party receiving service in the case.

6. A hearing officer or appeals officer may, upon the officer's own motion or a motion made by a party, strike a nonconforming document.

7. Unless the Hearings Division orders otherwise, if the Hearings Division strikes a nonconforming document pursuant to this section, the date and time on which the filer submits a conforming document governs whether the document is timely.

Sec. 4. 1. *The Hearings Division will, and any service provider with whom the Hearings Division contracts to perform the duties prescribed by section 1 of LCB File No. R102-23 shall, take reasonable steps to provide notice to users of the electronic filing system of technical problems that preclude electronic filing.*

2. If technical problems with the electronic filing system prevent the Hearings Division from accepting electronic filings on a particular day, a document shall be deemed to be received on that day upon a showing that the user of the electronic filing system made reasonable attempts to file the document on that day. Such a showing must include, without limitation, a showing that the user made more than one attempt to file the document on that day.

Sec. 5. NAC 616C.260 is hereby amended to read as follows:

616C.260 As used in NAC 616C.260 to 616C.336, inclusive, unless the context otherwise requires:

1. *“Electronic filing system” means the electronic filing system developed and maintained by the Hearings Division pursuant to section 1 of LCB File No. R102-23.*

2. “Hearings Division” means the Hearings Division of the Department of Administration.

~~2.~~ 3. “Licensed representative” means a person who is licensed pursuant to NAC 616C.350 to 616C.377, inclusive.

~~3.~~ 4. “Senior appeals officer” means the appeals officer designated by the Director of the Department of Administration pursuant to subsection 3 of NRS 232.215 to supervise the administrative, technical and procedural activities of the Hearings Division.

Sec. 6. NAC 616C.274 is hereby amended to read as follows:

616C.274 1. A request for a hearing before a hearing officer, ~~or~~ a notice of appeal *or a notice of a contested claim* filed with the Hearings Division must be filed:

(a) ~~On~~ *If the party is required to use the electronic filing system pursuant to subsection 2 of section 1 of LCB File No. R102-23, on* a form ~~provided~~ *generated* by ~~an insurer, an organization for managed care or~~ the ~~Hearings Division, or~~ *electronic filing system.*

(b) ~~On~~ *If the party is not required to use the electronic filing system pursuant to subsection 2 of section 1 of LCB File No. R102-23, on a ~~similar~~ form ~~approved~~ provided by ~~the Department of Administration~~ an insurer, an organization for managed care or the Hearings Division.*

2. An insurer or the third-party administrator for an insurer shall provide the following information on each form used to request a hearing:

- (a) The name and last known mailing address of the claimant;
- (b) The name under which the employer was doing business at the time of the injury and the last known mailing address and telephone number of the employer;
- (c) If the insurer is a self-insured employer:
 - (1) The name, address and telephone number of the self-insured employer; and
 - (2) The name, address and telephone number of the third-party administrator of the self-insured employer, if any;
- (d) The number of the claim; and
- (e) The date of injury or, in the case of occupational disease, the estimated or approximate date of injury.

3. A party who files a request or notice pursuant to paragraph (a) of subsection 1 must complete all required fields in the form generated by the electronic filing system. Submission of a document or attachment in lieu of completing a required field does not satisfy the requirements of this section. Notwithstanding the acceptance of a document by the Hearings Division, errors in input shall be attributed to the party who input the data and not to the Hearings Division.

Sec. 7. NAC 616C.291 is hereby amended to read as follows:

616C.291 For the purposes of NAC 616C.282 to 616C.336, inclusive:

1. ~~Filing~~ *Except as otherwise provided by sections 3 and 4 of this regulation, filing* occurs:

(a) If a party is required to use the electronic filing system pursuant to subsection 2 of section 1 of LCB File No. R102-23, when the party submits the original document to the electronic filing system. *A document submitted to the electronic filing system shall be deemed to be filed on the date of submission if the submission occurs not later than 11:59 p.m. local time in this State.*

(b) If a party is not required to use the electronic filing system pursuant to subsection 2 of section 1 of LCB File No. R102-23, when the original document is received by and is in the actual physical custody of the Hearings Division in conformance with one of the following:

(1) By personal delivery to the office of the Hearings Division.

(2) Except as otherwise provided in this subparagraph, by facsimile. A document over five pages in length may not be filed by facsimile unless so ordered or approved in advance by a hearing or appeals officer. If a document which is five pages or less in length is received by facsimile, the document will be accepted and the date of receipt stamped on the document. If a document is received by facsimile and the original of the document is received within 3 business days after it is received by facsimile, the original will be stamped with the date it is received, but shall be deemed filed on the date the facsimile was received.

(3) Except as otherwise provided in this subparagraph, by electronic mail. A document may be filed by electronic mail upon prior written approval of the Hearings Division. A document filed by electronic mail must be:

(I) Accompanied by an acknowledgment of receipt.

(II) Sent to the secretary for the hearing or appeals officer and to each party to the proceeding.

2. ~~{Except as otherwise provided in this subsection, service upon counsel, upon a licensed representative or upon a party}~~ *Service* must be made *as follows*:

(a) If all parties to the proceeding are required to use the electronic filing system pursuant to subsection 2 of section 1 of LCB File No. R102-23, service must be made by use of the electronic filing system described in section 1 of LCB File No. R102-23. ~~{ff}~~

(b) If a party to the proceeding is not required to use the electronic filing system ~~{is not required to be used}~~ pursuant to subsection 2 of section 1 of LCB File No. R102-23, service must be made by one of the following:

~~{(a)}~~ *(1)* By mailing a copy of the document to the party's counsel or licensed representative or to the other party, *as applicable*, at his or her last known address. Service by mail pursuant to this ~~{paragraph}~~ *subparagraph* is complete upon mailing. Any document served by mail shall be deemed received 3 days after it is mailed.

~~{(b)}~~ *(2)* By personally delivering a copy of the document to the other party or his or her counsel or licensed representative ~~{}~~, *as applicable*. Service by personal delivery pursuant to this ~~{paragraph}~~ *subparagraph* is complete upon personal delivery to the other party or his or her counsel or licensed representative.

~~{(c) Leaving}~~

(3) Except as otherwise provided in this subparagraph, by leaving a copy of the document at the office of the Hearings Division. Service by leaving a copy of the document at the Hearings Division pursuant to this ~~{paragraph}~~ *subparagraph* is complete upon leaving the copy of the

document at the office of the Hearings Division. *Counsel or a licensed representative may not provide service using the method set forth in this subparagraph.*

(4) By use of the electronic filing system, if the party has elected to receive electronic service of documents pursuant to subsection 4 of section 1 of LCB File No. R102-23, as amended by section 8 of this regulation.

3. Except as otherwise provided in sections 3 and 4 of this regulation, for any questions of timeliness, the date and time registered by the electronic filing system upon the submission of a document to the electronic filing system is determinative and serves as the date and time of filing for purposes of meeting any statute of limitations or other filing deadline.

4. A party who is required to use the electronic filing system pursuant to subsection 2 of section 1 of LCB File No. R102-23 is responsible for verifying the successful submission of each document that the party attempts to file through the electronic filing system.

Sec. 8. Section 1 of LCB File No. R102-23 is hereby amended to read as follows:

1. The Hearings Division will develop and maintain an electronic filing system for the filing and service of documents relating to a contested case under chapters 616A to 617, inclusive, of NRS. In developing and implementing the electronic filing system, the Hearings Division will, to the extent practicable, ensure consistency with the Nevada Electronic Filing and Conversion Rules adopted by the Nevada Supreme Court.

2. Except as otherwise provided in this subsection, a party to a contested case under chapters 616A to 617, inclusive, of NRS must use the electronic filing system. A party is not required to use the electronic filing system if he or she is not represented by counsel or by a licensed representative.

3. A party who is not represented by counsel or by a licensed representative may use the electronic filing system by delivering a document to the Hearings Division. The Hearings Division will facilitate any such party's access to the electronic filing system.

4. *A party who is required to use the electronic filing system pursuant to subsection 2 shall be deemed to have consented to electronic service of documents. A party who is not required to use the electronic filing system pursuant to subsection 2 shall not be deemed to have consented to electronic service, but may elect to receive electronic service of documents through the electronic filing system by registering with the electronic filing system.*

5. The Hearings Division will provide training in the use of the electronic filing system described in this section.