

**PROPOSED REGULATION OF THE DIVISION OF INDUSTRIAL  
RELATIONS OF THE DEPARTMENT OF BUSINESS AND  
INDUSTRY**

**LCB File No. R060-03**

June 23, 2003

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

AUTHORITY: §§1-4, NRS 616C.110.

**Section 1.** NAC 616C.002 is hereby amended to read as follows:

616C.002 1. For the purposes of NRS 616B.557, 616B.578, 616B.587, 616C.105, 616C.490 and 617.459, the Division hereby adopts by reference the *Guides to the Evaluation of Permanent Impairment*, ~~[4th Edition, 3rd Printing,]~~ *5th Edition*, published by the American Medical Association.

2. A copy of the publication may be obtained from the *Order Department*, American Medical Association, P.O. Box ~~[7046, Dover, Delaware 19903-7046,]~~ *930876, Atlanta, Georgia 31193-0876, by telephone at* 800.621.8335, *or on the Internet at* [www.amapress.com](http://www.amapress.com), for the price of ~~[\$49.95]~~ *\$129* for persons who are members of the Association, or ~~[\$75.95]~~ *\$149* for persons who are not members of the Association.

3. The provisions of this section do not:

- (a) Constitute a change of circumstances for the purposes of NRS 616C.390.
- (b) Entitle an injured employee whose permanent partial disability was rated pursuant to NRS 616C.490 before ~~[May 1, 1997,]~~ *October 1, 2003*, to an increase in the compensation he receives for that disability.

**Sec. 2.** NAC 616C.021 is hereby amended to read as follows:

616C.021 1. The designation of a rating physician or chiropractor pursuant to NRS 616C.490 must be in writing. To qualify for designation, a physician or chiropractor must:

(a) Possess the qualifications required of a physician or chiropractor who is appointed to the panel of physicians and chiropractors established pursuant to NRS 616C.090 and NAC 616C.003;

(b) Demonstrate a special competence and interest in industrial health by:

(1) Performing ratings evaluations of permanent partial disabilities when selected pursuant to NRS 616C.490, except disabilities related to an injured employee's vision or functional limitations, including deficiencies in brain function, resulting from an industrial accident or occupational disease;

(2) Scheduling and performing a rating evaluation within 30 days after receipt of a request from an insurer, a third-party Administrator or an injured employee or his representative; and

(3) Serving without compensation for a period not to exceed 1 year on the panel to review ratings evaluations established pursuant to NAC 616C.023;

(c) Except as otherwise provided in ~~subsection 2, successfully~~ *this section*:

*(1) Successfully* complete a course on rating disabilities that is approved by the Administrator and pass an examination *covering this subject* that is administered by the American Board of Independent Medical Examiners ~~[ ]~~ or its successor organization ~~[ ]~~, *or by any other organization or company recognized by the Division*; and

*(2) Successfully complete a course on the most recent edition of the Guide, as adopted by reference pursuant to NAC 616C.002, and pass an examination covering this subject that is*

*administered by the American Board of Independent Medical Examiners or its successor organization, or by any other organization or company recognized by the Division; and*

(d) Demonstrate an understanding of the:

(1) Regulations of the Division related to the evaluation of permanent partial disabilities;

and

(2) ~~[American Medical Association's Guides to the Evaluation of Permanent Impairment,]~~

Guide, as adopted by reference ~~[by the Division]~~ pursuant to ~~[NRS 616C.110 and]~~ NAC 616C.002.

2. The Administrator may authorize ophthalmologists and psychiatrists who are authorized to practice in this state to attend the relevant portions of the ~~[course]~~ *courses* required by paragraph (c) of subsection 1 and, upon the recommendation of the instructor of ~~[the]~~ *such a* course, may approve an ophthalmologist or psychiatrist to evaluate injured employees with impaired vision or brain damage according to his area of specialization.

3. *In lieu of the individual courses and examinations required by paragraph (c) of subsection 1, a physician or chiropractor may qualify for designation if he has:*

*(a) Successfully completed a course that covers both rating disabilities and the most recent edition of the Guide, as adopted by reference pursuant to NAC 616C.002; or*

*(b) Passed an examination covering both subjects that is administered by the American Board of Independent Medical Examiners or its successor organization, or by any other organization or company recognized by the Division,*

*as appropriate.*

4. A rating evaluation of a permanent partial disability may be performed by a chiropractor only if the injured employee's injury and treatment is related to his neuromusculoskeletal system.

~~[4.]~~ 5. A rating physician or chiropractor may not rate the disability of an injured employee if the physician or chiropractor has:

- (a) Previously examined or treated the injured employee for the injury related to his claim for workers' compensation; or
- (b) Reviewed the health care records of the injured employee and has made recommendations regarding the likelihood of the injured employee's ratable impairment.

~~[5.]~~ 6. A rating evaluation of a permanent partial disability performed by a rating physician or chiropractor is subject to review by the Administrator pursuant to the provisions of NAC 616C.023.

**Sec. 3.** NAC 616C.476 is hereby repealed.

**Sec. 4.** This regulation becomes effective on October 1, 2003.

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**TEXT OF REPEALED SECTION**

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**616C.476 Rating physician or chiropractor: Performance and documentation of certain ratings. (NRS 616A.400, 616C.110)**

1. A rating physician or chiropractor who performs an evaluation of a permanent partial disability shall evaluate the industrial injury or occupational disease of the injured employee as it exists at the time of the rating evaluation. The rating physician or chiropractor shall take into account any improvement or worsening of the industrial injury or occupational disease that has resulted from treatment of the industrial injury or occupational disease.

2. A rating physician or chiropractor performing an evaluation of a permanent partial disability that is related to the spine of an injured employee shall use the “Injury Model,” as described on page 3/94 of the guide, to rate the disability if the condition of the injured employee is listed in Table 70, Spine Impairment Categories for Cervicothoracic, Thoracolumbar, and Lumbosacral Regions, on page 3/108 of the guide. If none of the categories set forth in the table are applicable to the condition of the injured employee, the rating physician or chiropractor may use the “Range of Motion Model,” as described on page 3/94 of the guide, to assist in categorizing the disability.

3. A rating physician or chiropractor evaluating an upper extremity neurological impairment shall use Table 15, Maximum Upper Extremity Impairments Due to Unilateral Sensory or Motor Deficits or Combined Deficits of the Major Peripheral Nerves, on page 3/54 of the guide, rather than Table 16, Upper Extremity Impairment Due to Entrapment Neuropathy, on page 3/57 of the guide.