

**ADOPTED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R110-07

Effective January 30, 2008

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

AUTHORITY: §1, NRS 679B.130 and 687B.450.

A REGULATION relating to insurance; requiring certain medical examinations to follow a standard set of criteria; and providing other matters properly relating thereto.

Section 1. Chapter 687B of NAC is hereby amended by adding thereto a new section to read as follows:

1. Any medical examination required by an insurer pursuant to NRS 687B.450 must follow a standard set of criteria established by the insurer for the medical examination. The standard set of criteria for the medical examination must be consistently applied to each insured.

2. As used in this section, “medical examination”:

(a) Means an examination completed by a licensed physician or by a provider of health care who is acting within the scope of his license and under the direct supervision of a licensed physician; and

(b) Includes, without limitation, a physical, laboratory tests, radiology or imaging tests, completion of a medical history, the taking of physical measurements, including, without limitation, height, weight or blood pressure, or an examination of the heart or other bodily systems or organs.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R110-07

The Commissioner of Insurance adopted regulations assigned LCB File No. R110-07 which pertain to chapter 687B of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

A workshop was held on November 13, 2007, and a hearing was held on November 20, 2007, at the offices of the Department of Business and Industry, Division of Insurance (“Division”), 788 Fairview Drive, Suite 300, Carson City, Nevada 89701, with a simultaneous video-conference conducted at the Bradley Building, 2501 E. Sahara Avenue, Real Estate Division Conference Room, 2nd Floor, Las Vegas, Nevada 89104, regarding the adoption of the regulation concerning medical examinations.

Public comment was solicited by posting notice of the hearing in the following public locations: the Division’s Carson City and Las Vegas offices, Carson City Courthouse, Office of the Attorney General, the Donald W. Reynolds Press Center, Capitol Building Lobby, Capitol Building Press Room, Blasdel Building, Legislative Counsel Bureau, Nevada State Library, Carson City Library, Churchill County Library, Clark County District Library, Douglas County Library, Elko County Library, Esmeralda County Library, Eureka Branch Library, Humboldt County Library, Lander County Library, Lincoln County Library, Lyon County Library, Mineral County Library, Pershing County Library, Storey County Library, Tonopah Public Library, Washoe County Library, and White Pine County Library.

Notice was also e-mailed to members of the Commissioner’s Advisory Committee on Health Care and Insurance and interested parties of that Committee. In addition, the Division maintains a general list of interested parties, comprised mainly of insurance companies, agencies and other persons regulated by the Division. These persons were also notified of the hearing and that copies of the regulation could be obtained from or examined at the offices of the Division in Carson City.

The hearing was attended by one interested party in Carson City and three interested parties in Las Vegas.

After considering the comments by those attending the hearing, and by those who submitted written comments, the Commissioner has issued an order adopting the regulation, as amended, as a permanent regulation of the Division.

Based upon the testimony received at the hearing, the proposed regulation, LCB File No. R110-07, is revised as follows:

1. Subsection 2 of section 1 is amended to read as follows:
 2. As used in this section, “medical examination” means an examination completed by a licensed physician *or by an appropriately licensed health care*

professional under the direct supervision of a licensed physician, including, without limitation, a physical, laboratory tests, radiology or imaging tests, completion of a medical history [questionnaire], the taking of physical measurements, including, without limitation, height, weight or blood pressure, or an examination of the heart or other bodily systems or organs.

These changes are necessary to include consistent use of set criteria by the insurer to satisfy the requirement for a medical examination as stated in NRS 687B.450.

The economic impact of the regulation is as follows:

- (a) On the business it is to regulate: The proposed regulation does not appear to have any impact on the insurance industry. This regulation addresses medical examination for consistency in application.
- (b) On small businesses: The proposed regulation should not have any impact upon small businesses since the regulation affects life and health carriers and they are not small businesses.
- (c) On the public: The proposed regulation will protect the public in that the criterion used for medical examinations is uniform and consistent.

The Division anticipates a nominal expense to enforce the proposed regulation. The Division is not aware of any overlap or duplication of the regulation with any state, local or federal regulation.