

**PROPOSED REGULATION OF THE
PUBLIC EMPLOYEES' BENEFITS PROGRAM**

LCB FILE NO. R054-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/03/2017**

Subrogation to all forms of legal liability (NRS 287.043 and 287.0465)

1. The Board, pursuant to NRS 287.0465, may subrogate to any and all tort, contractual or other liability (including liability of an insurance carrier to the member as its insured), on the part of a person other than the member, for the cost of a member's medical services that are payable by the Board's plan of self-insurance.
2. The Board delegates the authority to subrogate to its Executive Officer, subject to provisions of such plan document as may be approved by the Board.
3. Prior to collecting first party insurance coverage amounts, the Executive Officer shall make a one-time adjustment correlating to the member's remaining applicable out-of-pocket maximum at the time of the incident creating the subrogation event.
4. The Executive Officer may, but is not required to, subrogate to first party coverage of a lesser amount in good faith negotiations with the member, first party insurance companies, and/or the member's legal counsel.