

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

**LCB FILE NO. R127-17I**

**The following document is the initial draft regulation proposed**

**by the agency submitted on 10/31/2017**

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

**LCB File No. Unassigned**

October 31, 2017

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

AUTHORITY: §1, NRS 616A.400 and 616C.495, as amended by section 9 of Assembly Bill No. 458, chapter 216, Statutes of Nevada 2017, at page 1167.

A REGULATION relating to industrial insurance; revising provisions concerning compensation of an injured employee who incurs a permanent partial disability; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law allows an injured employee who incurs a permanent partial disability to elect to receive compensation for that injury in a lump sum. The Administrator of the Division of Industrial Relations of the Department of Business and Industry is required to adopt actuarial annuity tables for use in the calculation of the present value of a lump-sum permanent partial disability award by July 1 each year commencing July 1, 2017.

**Section 1.** NAC 616C.502 is hereby amended to read as follows:

**NAC 616C.502 Factors for computing present value for lump-sum payment.** (NRS 616A.400, 616C.495) ~~{The factors in the following table must be applied whenever present value is computed to make a lump-sum payment for an award for a permanent partial disability.}~~

The determination of the age of an injured employee must be made by subtracting the birthdate of the injured employee from the date of the request by the injured employee for a lump-sum

*permanent partial disability* payment. Only the month and year may be used in the determination.

[DIVISION OF INDUSTRIAL RELATIONS

Factors to be Applied to Awards for Monthly  
Permanent Partial Disability to Calculate Lump Sum Settlements

Age Years	MALES/FEMALES—BENEFITS TO AGE 70											
	1997 UNDIFFERENTIATED PENSION MORTALITY— 6% INTEREST											
	—0	—1	—2	—3	—4	—5	—6	—7	—8	—9	—10	—11
15	192.72	192.68	192.63	192.59	192.54	192.50	192.45	192.41	192.36	192.32	192.27	192.23
16	192.18	192.13	192.09	192.04	191.99	191.94	191.89	191.85	191.80	191.75	191.70	191.65
17	191.61	191.56	191.50	191.45	191.40	191.35	191.30	191.25	191.20	191.14	191.09	191.04
18	190.99	190.94	190.88	190.83	190.77	190.72	190.66	190.61	190.55	190.50	190.44	190.39
19	190.33	190.27	190.21	190.16	190.10	190.04	189.98	189.92	189.86	189.80	189.74	189.68
20	189.63	189.56	189.50	189.44	189.37	189.31	189.25	189.18	189.12	189.06	188.99	188.93
21	188.87	188.80	188.73	188.66	188.60	188.53	188.46	188.39	188.33	188.26	188.19	188.12
22	188.05	187.98	187.91	187.84	187.76	187.69	187.62	187.55	187.47	187.40	187.33	187.26
23	187.18	187.11	187.03	186.95	186.87	186.79	186.72	186.64	186.56	186.48	186.40	186.33
24	186.25	186.16	186.08	186.00	185.92	185.83	185.75	185.67	185.58	185.50	185.42	185.33
25	185.25	185.16	185.07	184.99	184.90	184.81	184.72	184.63	184.54	184.46	184.37	184.28
26	184.19	184.10	184.00	183.91	183.81	183.72	183.63	183.53	183.44	183.34	183.25	183.16
27	183.06	182.96	182.86	182.76	182.66	182.56	182.46	182.36	182.26	182.16	182.06	181.96
28	181.86	181.75	181.64	181.54	181.43	181.32	181.22	181.11	181.00	180.90	180.79	180.68
29	180.58	180.46	180.35	180.24	180.12	180.01	179.90	179.79	179.67	179.56	179.45	179.33
30	179.22	179.10	178.98	178.86	178.74	178.62	178.50	178.38	178.27	178.15	178.03	177.91
31	177.79	177.66	177.54	177.41	177.28	177.16	177.03	176.90	176.78	176.65	176.52	176.40
32	176.27	176.14	176.01	175.87	175.74	175.60	175.47	175.34	175.20	175.07	174.94	174.90
33	174.67	174.53	174.39	174.25	174.11	173.96	173.82	173.68	173.54	173.40	173.26	173.12
34	172.98	172.83	172.68	172.53	172.38	172.23	172.08	171.94	171.79	171.64	171.49	171.34
35	171.19	171.04	170.88	170.72	170.57	170.41	170.26	170.10	169.94	169.79	169.63	169.48
36	169.32	169.16	168.99	168.83	168.66	168.50	168.33	168.17	168.01	167.84	167.68	167.51
37	167.35	167.18	167.01	166.83	166.66	166.49	166.32	166.14	165.97	165.80	165.63	165.45
38	165.28	165.10	164.92	164.74	164.56	164.38	164.20	164.02	163.83	163.65	163.47	163.29
39	163.11	162.92	162.73	162.54	162.35	162.16	161.97	161.78	161.59	161.40	161.21	161.02
40	160.83	160.63	160.43	160.23	160.03	159.83	159.64	159.44	159.24	159.04	158.84	158.64
41	158.44	158.23	158.02	157.81	157.60	157.39	157.19	156.98	156.77	156.56	156.35	156.14
42	155.93	155.71	155.49	155.27	155.06	154.84	154.62	154.40	154.18	153.96	153.74	153.52
43	153.30	153.07	152.84	152.62	152.39	152.16	151.93	151.70	151.47	151.24	151.01	150.78
44	150.55	150.31	150.07	149.83	149.59	149.35	149.11	148.87	148.63	148.39	148.15	147.91
45	147.67	147.42	147.17	146.91	146.66	146.41	146.16	145.91	145.66	145.41	145.15	144.90
46	144.65	144.39	144.12	143.86	143.60	143.34	143.07	142.81	142.55	142.28	142.02	141.76
47	141.49	141.22	140.94	140.67	140.39	140.12	139.84	139.57	139.29	139.02	138.74	138.47
48	138.19	137.91	137.62	137.33	137.04	136.76	136.47	136.18	135.90	135.61	135.32	135.03

~~DIVISION OF INDUSTRIAL RELATIONS~~

~~Factors to be Applied to Awards for Monthly  
Permanent Partial Disability to Calculate Lump Sum Settlements~~

Age Years	<del>MALES/FEMALES—BENEFITS TO AGE 70</del>											
	<del>1997 UNDIFFERENTIATED PENSION MORTALITY— 6% INTEREST</del>											
	<del>—0</del>	<del>—1</del>	<del>—2</del>	<del>—3</del>	<del>—4</del>	<del>—5</del>	<del>—6</del>	<del>—7</del>	<del>—8</del>	<del>—9</del>	<del>—10</del>	<del>—11</del>
49	134.75	134.45	134.14	133.84	133.54	133.24	132.94	132.64	132.34	132.04	131.74	131.44
50	131.14	130.82	130.51	130.19	129.88	129.56	129.25	128.94	128.62	128.31	127.99	127.68
51	127.36	127.03	126.70	126.38	126.05	125.72	125.39	125.06	124.73	124.40	124.07	123.74
52	123.41	123.07	122.72	122.38	122.04	121.69	121.35	121.00	120.66	120.32	119.97	119.63
53	119.28	118.92	118.56	118.20	117.84	117.48	117.12	116.76	116.40	116.04	115.68	115.32
54	114.96	114.58	114.20	113.83	113.45	113.07	112.69	112.31	111.94	111.56	111.18	110.80
55	110.43	110.03	109.63	109.24	108.84	108.44	108.05	107.65	107.25	106.86	106.46	106.06
56	105.67	105.25	104.83	104.41	104.00	103.58	103.16	102.75	102.33	101.91	101.50	101.08
57	100.66	100.23	99.79	99.35	98.91	98.47	98.03	97.60	97.16	96.72	96.28	95.84
58	95.40	94.94	94.48	94.02	93.56	93.10	92.64	92.18	91.71	91.25	90.79	90.33
59	89.87	89.38	88.90	88.41	87.92	87.44	86.95	86.46	85.98	85.49	85.00	84.52
60	84.03	83.52	83.00	82.49	81.98	81.46	80.95	80.43	79.92	79.41	78.89	78.38
61	77.86	77.32	76.78	76.23	75.69	75.15	74.60	74.06	73.51	72.97	72.43	71.88
62	71.34	70.76	70.18	69.61	69.03	68.45	67.88	67.30	66.72	66.15	65.57	64.99
63	64.42	63.80	63.19	62.58	61.97	61.35	60.74	60.13	59.51	58.90	58.29	57.67
64	57.06	56.41	55.75	55.10	54.45	53.79	53.14	52.49	51.83	51.18	50.53	49.87
65	49.22	48.52	47.82	47.12	46.42	45.72	45.02	44.32	43.62	42.92	42.22	41.53
66	40.83	40.08	39.32	38.57	37.82	37.07	36.32	35.57	34.82	34.07	33.32	32.56
67	31.81	31.00	30.19	29.38	28.57	27.76	26.95	26.14	25.33	24.52	23.70	22.89
68	22.08	21.20	20.32	19.44	18.56	17.68	16.80	15.92	15.04	14.16	13.28	12.40
69	11.52	10.56	9.60	8.64	7.68	6.72	5.76	4.80	3.84	2.88	1.92	0.96

**Section 2.** NAC 616C.498 is hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**NAC 616C.498. Eligibility to receive compensation in lump sum for injury incurred on or after July 1, 1995; installments. (NRS 616A.400, 616C.495)** 1. An employee injured on or after July 1, 1995, but before January 1, 2016, who incurs a permanent partial disability that:

(a) Does not exceed 25 percent may elect to receive compensation in a lump sum.

(b) Exceeds 25 percent may:

(1) Elect to receive compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the injured employee elects to receive compensation in a lump sum pursuant to this subparagraph, the insurer shall pay in installments to the injured employee that portion of the injured employee's disability in excess of 25 percent.

(2) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for a disability of 30 percent, elect to receive compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the injured employee elects to receive compensation in a lump sum pursuant to this subparagraph, the insurer shall pay in installments to the injured employee that portion of the injured employee's disability in excess of 30 percent.

2. An employee injured on or after January 1, 2016, who incurs a permanent partial disability that:

(a) Does not exceed 30 percent may elect to receive compensation in a lump sum.

(b) Exceeds 30 percent may elect to receive compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the injured employee elects to receive compensation in a lump sum pursuant to this paragraph, the insurer shall pay in installments to the injured employee that portion of the injured employee's disability in excess of 30 percent.

(Added to NAC by Div. of Industrial Relations, eff. 5-10-96; Amended in R059-15, Sec.1, eff. 12-21-16)