

ASSEMBLY BILL NO. 410—ASSEMBLYWOMAN JAUREGUI

MARCH 27, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-1030)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, with certain exceptions, an injury or disease sustained by an employee caused by stress is compensable under industrial insurance only if the employee can prove by clear and convincing medical or psychiatric evidence that: (1) the employee has a mental injury caused by extreme stress in time of danger; (2) the primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) the stress was not caused by a layoff, termination or disciplinary action. Under existing law, an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom is not compensable under industrial insurance. (NRS 616C.180)

Section 1 of this bill removes provisions prohibiting an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom from being compensable under industrial insurance. Section 1 expands the stress-related injuries that may be compensable under industrial insurance under certain circumstances to include a mental injury caused by extreme stress for which the primary cause was a series of events, rather than a single event, that arose out of and during the course of employment. Sections 2 and 3 of this bill make conforming changes to refer to provisions that have been renumbered by this bill.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** NRS 616C.180 is hereby amended to read as  
2 follows:

3     616C.180 1. Except as otherwise provided in this section, an  
4 injury or disease sustained by an employee that is caused by stress is  
5 compensable pursuant to the provisions of chapters 616A to 616D,  
6 inclusive, or chapter 617 of NRS if it arose out of and in the course  
7 of his or her employment.

8     2. ~~Any ailment or disorder caused by any gradual mental~~  
9 ~~stimulus, and any death or disability ensuing therefrom, shall be~~  
10 ~~deemed not to be an injury or disease arising out of and in the~~  
11 ~~course of employment.~~

12 ~~—3.~~ Except as otherwise provided by subsections ~~[4]~~ 3 and ~~[5]~~  
13 4, an injury or disease caused by stress shall be deemed to arise out  
14 of and in the course of employment only if the employee proves by  
15 clear and convincing medical or psychiatric evidence that:

16     (a) The employee has a mental injury caused by extreme stress  
17 in time of danger;

18     (b) The primary cause of the injury was an event *or series of*  
19 *events* that arose out of and during the course of his or her  
20 employment; and

21     (c) The stress was not caused by his or her layoff, the  
22 termination of his or her employment or any disciplinary action  
23 taken against him or her.

24 ~~[4.]~~ 3. An injury or disease caused by stress shall be deemed to  
25 arise out of and in the course of employment ~~[, and shall not be~~  
26 ~~deemed the result of gradual mental stimulus.]~~ if the employee is a  
27 first responder and proves by clear and convincing medical or  
28 psychiatric evidence that:

29     (a) The employee has a mental injury caused by extreme stress  
30 due to the employee directly witnessing:

31         (1) The death, or the aftermath of the death, of a person as a  
32 result of a violent event, including, without limitation, a homicide,  
33 suicide or mass casualty incident; or

34         (2) An injury, or the aftermath of an injury, that involves  
35 grievous bodily harm of a nature that shocks the conscience; and

36     (b) The primary cause of the mental injury was the employee  
37 witnessing an event described in paragraph (a) during the course of  
38 his or her employment.

39 ~~[5.]~~ 4. An injury or disease caused by stress shall be deemed to  
40 arise out of and in the course of employment ~~[, and shall not be~~  
41 ~~deemed the result of gradual mental stimulus.]~~ if the employee is  
42 employed by the State or any of its agencies or political subdivisions



1 and proves by clear and convincing medical or psychiatric evidence  
2 that:

3 (a) The employee has a mental injury caused by extreme stress  
4 due to the employee responding to a mass casualty incident; and

5 (b) The primary cause of the injury was the employee  
6 responding to the mass casualty incident during the course of his or  
7 her employment.

8 ~~16.1~~ 5. An agency which employs a first responder, including,  
9 without limitation, a first responder who serves as a volunteer, shall  
10 provide educational training to the first responder related to the  
11 awareness, prevention, mitigation and treatment of mental health  
12 issues.

13 ~~17.1~~ 6. The provisions of this section do not apply to a person  
14 who is claiming compensation pursuant to NRS 617.457.

15 ~~18.1~~ 7. As used in this section:

16 (a) "Directly witness" means to see or hear for oneself.

17 (b) "First responder" means:

18 (1) A salaried or volunteer firefighter;

19 (2) A police officer;

20 (3) An emergency dispatcher or call taker who is employed  
21 by a law enforcement or public safety agency in this State; or

22 (4) An emergency medical technician or paramedic who is  
23 employed by a public safety agency in this State.

24 (c) "Mass casualty incident" means an event that, for the  
25 purposes of emergency response or operations, is designated as a  
26 mass casualty incident by one or more governmental agencies that  
27 are responsible for public safety or for emergency response.

28 **Sec. 2.** NRS 616C.400 is hereby amended to read as follows:

29 616C.400 1. Temporary compensation benefits must not be  
30 paid under chapters 616A to 616D, inclusive, of NRS for an injury  
31 which does not incapacitate the employee for at least 5 consecutive  
32 days, or 5 cumulative days within a 20-day period, from earning full  
33 wages, but if the incapacity extends for 5 or more consecutive days,  
34 or 5 cumulative days within a 20-day period, compensation must  
35 then be computed from the date of the injury.

36 2. The period prescribed in this section does not apply to:

37 (a) Accident benefits, whether they are furnished pursuant to  
38 NRS 616C.255 or 616C.265, if the injured employee is otherwise  
39 covered by the provisions of chapters 616A to 616D, inclusive, of  
40 NRS and entitled to those benefits.

41 (b) Compensation paid to the injured employee pursuant to  
42 subsection 1 of NRS 616C.477.

43 (c) A claim which is filed pursuant to NRS 617.453, 617.455 or  
44 617.457.



1 (d) A claim to which subsection ~~§~~ 3 or ~~§~~ 4 of NRS 616C.180  
2 applies.

3 **Sec. 3.** NRS 617.420 is hereby amended to read as follows:

4 617.420 1. No compensation may be paid under this chapter  
5 for temporary total disability which does not incapacitate the  
6 employee for at least 5 cumulative days within a 20-day period from  
7 earning full wages, but if the incapacity extends for 5 or more days  
8 within a 20-day period, the compensation must then be computed  
9 from the date of disability.

10 2. The limitations in this section do not apply to medical  
11 benefits, including, without limitation, medical benefits pursuant to  
12 NRS 617.453, 617.455 or 617.457, or a claim to which subsection  
13 ~~§~~ 3 or ~~§~~ 4 of NRS 616C.180 applies, which must be paid from  
14 the date of application for payment of medical benefits.

15 **Sec. 4.** The provisions of NRS 354.599 do not apply to any  
16 additional expenses of a local government that are related to the  
17 provisions of this act.

18 **Sec. 5.** 1. This section becomes effective upon passage and  
19 approval.

20 2. Sections 1 to 4, inclusive, of this act become effective:

21 (a) Upon passage and approval for the purpose of adopting any  
22 regulations and performing any other preparatory administrative  
23 tasks that are necessary to carry out the provisions of this act; and

24 (b) On January 1, 2024, for all other purposes.

