

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

LCB File No. R008-97

August 8, 1997

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

AUTHORITY: NRS 616A.400, 616A.480, 616C.040, 616C.045, 616D.120, 617.352 and
617.354.

Section 1. Chapter 616A of NAC is hereby amended by adding thereto a new section to read as follows:

1. The administrator or his designated agent will impose the following administrative fines if an employer fails to comply with the provisions of NRS 616A.480 or any regulation adopted pursuant thereto:

(a) For the first violation within a 12-month period, a fine of at least \$250.

(b) For a second violation within a 12-month period, a fine of at least \$500.

(c) For a third or subsequent violation within a 12-month period, a fine of \$1,000.

2. The administrator or his designated agent will impose the following administrative fines if an employer complies with the provisions of NRS 616A.480 in an untimely manner:

(a) For the first violation within a 12-month period, a fine of at least \$50.

(b) For the second violation within a 12-month period, a fine of at least \$100.

(c) For the third violation within a 12-month period, a fine of at least \$250.

(d) For the fourth violation within a 12-month period, a fine of at least \$500.

(e) For the fifth or subsequent violation within a 12-month period, a fine of \$1,000.

3. In no case will the administrator or his designated agent impose an administrative fine pursuant to this section that is greater than \$1,000.

4. The administrator or his designated agent will review for 1 year the activities of an employer who is required to pay an administrative fine pursuant to this section for a first violation.

5. For the purposes of this section, an employer:

(a) Fails to comply with the provisions of NRS 616A.480 if there is an absence of action taken on the part of the employer to comply with those provisions.

(b) Complies with the provisions of NRS 616A.480 in an untimely manner if he takes action 1 or more days after the time prescribed in that section.

Sec. 2. Chapter 616C of NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.

Sec. 3. *1. The administrator or his designated agent will impose the following administrative fines if a treating physician or chiropractor fails to comply with the provisions of NRS 616C.040 or any regulation adopted pursuant thereto:*

(a) For the first violation within a 12-month period, a fine of at least \$250.

(b) For a second violation within a 12-month period, a fine of at least \$500.

(c) For a third or subsequent violation within a 12-month period, a fine of \$1,000.

2. The administrator or his designated agent will impose the following administrative fines if a treating physician or chiropractor complies with the provisions of NRS 616C.040 in an untimely manner:

- (a) *For the first violation within a 12-month period, a fine of at least \$50.*
- (b) *For the second violation within a 12-month period, a fine of at least \$100.*
- (c) *For the third violation within a 12-month period, a fine of at least \$250.*
- (d) *For the fourth violation within a 12-month period, a fine of at least \$500.*
- (e) *For the fifth or subsequent violation within a 12-month period, a fine of \$1,000.*

3. *In no case will the administrator or his designated agent impose an administrative fine pursuant to this section that is greater than \$1,000.*

4. *The administrator or his designated agent will review for 1 year the activities of a treating physician or chiropractor who is required to pay an administrative fine pursuant to this section for a first violation.*

5. *For the purposes of this section, a treating physician or chiropractor:*

(a) *Fails to comply with the provisions of NRS 616C.040 if there is an absence of action taken on the part of the treating physician or chiropractor to comply with those provisions.*

(b) *Complies with the provisions of NRS 616C.040 in an untimely manner if he takes action 1 or more days after the time prescribed in that section.*

Sec. 4. 1. *The administrator or his designated agent will impose the following administrative fines if an employer fails to comply with the provisions of NRS 616C.045 or any regulation adopted pursuant thereto:*

- (a) *For the first violation within a 12-month period, a fine of at least \$250.*
- (b) *For a second violation within a 12-month period, a fine of at least \$500.*
- (c) *For a third or subsequent violation within a 12-month period, a fine of \$1,000.*

2. *The administrator or his designated agent will impose the following administrative fines if an employer complies with the provisions of NRS 616C.045 in an untimely manner:*

(a) For the first violation within a 12-month period, a fine of at least \$50.

(b) For the second violation within a 12-month period, a fine of at least \$100.

(c) For the third violation within a 12-month period, a fine of at least \$250.

(d) For the fourth violation within a 12-month period, a fine of at least \$500.

(e) For the fifth or subsequent violation within a 12-month period, a fine of \$1,000.

3. In no case will the administrator or his designated agent impose an administrative fine pursuant to this section that is greater than \$1,000.

4. The administrator or his designated agent will review for 1 year the activities of an employer who is required to pay an administrative fine pursuant to this section for a first violation.

5. For the purposes of this section, an employer:

(a) Fails to comply with the provisions of NRS 616C.045 if there is an absence of action taken on the part of the employer to comply with those provisions.

(b) Complies with the provisions of NRS 616C.045 in an untimely manner if he takes action 1 or more days after the time prescribed in that section.

Sec. 5. Chapter 617 of NAC is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this regulation.

Sec. 6. *1. The administrator or his designated agent will impose the following administrative fines if a treating physician or chiropractor fails to comply with the provisions of NRS 617.352 or any regulation adopted pursuant thereto:*

(a) For the first violation within a 12-month period, a fine of at least \$250.

(b) For a second violation within a 12-month period, a fine of at least \$500.

(c) For a third or subsequent violation within a 12-month period, a fine of \$1,000.

2. *The administrator or his designated agent will impose the following administrative fines if a treating physician or chiropractor complies with the provisions of NRS 617.352 in an untimely manner:*

- (a) For the first violation within a 12-month period, a fine of at least \$50.*
- (b) For the second violation within a 12-month period, a fine of at least \$100.*
- (c) For the third violation within a 12-month period, a fine of at least \$250.*
- (d) For the fourth violation within a 12-month period, a fine of at least \$500.*
- (e) For the fifth or subsequent violation within a 12-month period, a fine of \$1,000.*

3. *In no case will the administrator or his designated agent impose an administrative fine pursuant to this section that is greater than \$1,000.*

4. *The administrator or his designated agent will review for 1 year the activities of a treating physician or chiropractor who is required to pay an administrative fine pursuant to this section for a first violation.*

5. *For the purposes of this section, a treating physician or chiropractor:*

(a) Fails to comply with the provisions of NRS 617.352 if there is an absence of action taken on the part of the treating physician or chiropractor to comply with those provisions.

(b) Complies with the provisions of NRS 617.352 in an untimely manner if he takes action 1 or more days after the time prescribed in that section.

Sec. 7. 1. *The administrator or his designated agent will impose the following administrative fines if an employer fails to comply with the provisions of NRS 617.354 or any regulation adopted pursuant thereto:*

- (a) For the first violation within a 12-month period, a fine of at least \$250.*
- (b) For a second violation within a 12-month period, a fine of at least \$500.*

(c) For a third or subsequent violation within a 12-month period, a fine of \$1,000.

2. The administrator or his designated agent will impose the following administrative fines if an employer complies with the provisions of NRS 617.354 in an untimely manner:

(a) For the first violation within a 12-month period, a fine of at least \$50.

(b) For the second violation within a 12-month period, a fine of at least \$100.

(c) For the third violation within a 12-month period, a fine of at least \$250.

(d) For the fourth violation within a 12-month period, a fine of at least \$500.

(e) For the fifth or subsequent violation within a 12-month period, a fine of \$1,000.

3. In no case will the administrator or his designated agent impose an administrative fine pursuant to this section that is greater than \$1,000.

4. The administrator or his designated agent will review for 1 year the activities of an employer who is required to pay an administrative fine pursuant to this section for a first violation.

5. For the purposes of this section, an employer:

(a) Fails to comply with the provisions of NRS 617.354 if there is an absence of action taken on the part of the employer to comply with those provisions.

(b) Complies with the provisions of NRS 617.354 in an untimely manner if he takes action 1 or more days after the time prescribed in that section.