

LCB File No. R208-97

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

In the Matter of Amendment of Regulations
pertaining to Requests for Confidential Information;
11
Claims; Offices; Forms, Filing; and
Documentation of Records

DIR Proposed Reg. 98-

PROPOSED REGULATIONS

Regarding the amendment of regulations pertaining to requests for confidential information; claims; offices, forms, and filing; and documentation of records.

AUTHORITY: NRS 616A.400 and NRS 616B.012(3) as amended by AB 609 § 11 of the 1997 Nevada State Legislature.

Section 1. Chapter 616C of NAC is hereby amended by adding thereto the following provision (this is similar to NAC 616B.009 which is being repealed):

1. *An insurer, third-party administrator, or managed care organization shall provided requested information from its file pursuant to NRS 616B.012 to the injured employee or his representative upon receipt of a written request from an injured employee, the injured employee's attorney or representative.*
2. To obtain confidential information pursuant to subsection 3 of NRS 616B.012, **[an agency or the state contractors' board must request the information from the system in writing. T]** the request must:
 - (a) Be written on the official letterhead of the **[agency or board]** *requesting party*;
 - (b) State the purpose for which the **[agency or board]** *requesting party* will use the requested information;
 - (c) Contain all pertinent information available to the **[agency or board to]** *requesting party which will* identify:
 - (1) The injured employee, including, but not limited to, his name, social security number, date of birth and the date of his injury; or
 - (2) The employer, including, but not limited to, his name, the name and address of the business, the names of the owners of the business and the employer's policy number; and
 - (d) Contain any other information that the **[system]** *insurer* may need to process the request. The **[system]** *insurer* may require additional information to process the request.

The insurer shall provide the requested confidential information to the requesting party within thirty days after receiving the written request.

[2]3. Except as otherwise provided in this subsection, the [administrator] agency head or his designated agent of the [or the executive officer of the state contractors' board or his designated agent] requesting agency, department or board, must sign the request. If a request requires the [system] insurer to report on more than one employer or more than one injured employee, only the [administrator] agency head of the requesting agency, department or [the executive officer of the] board must sign the request.

4. *Upon receipt of a written request from a chief executive officer of any law enforcement agency of this state made pursuant to subsection 5 of NRS 616B.012, the administrator shall order the insurer to provide the information to the requesting party within thirty days of the request.*

Sec. 2. NAC 616C.073 is hereby amended to read as follows:

Claims: *Offices; [F]forms; filing.*

1. *All insurers, third-party administrators, and organizations for managed care providing workers' compensation services must maintain copies of each of its Nevada claim files in offices or suboffices within the state of Nevada.*

2. *All correspondence and other documentation being submitted to the insurer, third-party administrator, or organization for managed care must be addressed to the Nevada third-party administrator, or organization for managed care must be addressed to the Nevada office or suboffice. Correspondence and documents shall be deemed to be officially received only if they have been so addressed.*

[1]3. An [claim] employer's report of injury must be printed or typed, properly titled, and signed *and dated* by the person filing the [claim] employer's report of injury or his attorney or other representative.

[2]4. An [claim] employer's report of injury must be submitted on a form *adopted by the division and* provided by the insurer and must state the name and address of the injured employee and the time, place, nature, and cause of his injury.

[3]5. The original of each [claim] employer's report of injury must be filed with the insurer.

[4]6. If the injury or occupational disease will result in the [claimant] injured employee losing time from work and the [claimant] injured employee has been reporting his income from tips, the employer shall submit the amount of tips declared on Form D-23, which must be included in calculating the average monthly wage of the [claimant] injured employee pursuant to NRS 616B.227.

Sec. 3. NAC 616.C082 is hereby amended to read as follows:

1. *The insurer, third-party administrator and organization for managed care shall correctly date-stamp all claims documentation upon receipt.*

[1]2. Claims *documentation* filed with the insurer will be acted upon *and filed* in the chronological order of [their filings, insofar as possible] receipt.

[2]3. All documents which constitute the record of a claim, including investigative reports, medical reports, and records evidencing payments of benefits, compensation,

or awards, remain the property of the insurer, *third-party administrator or organization for managed care*.