

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

LCB File No. R208-97

January 9, 1997

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

AUTHORITY: §2, NRS 616A.400 and 616B.012; §§3-5, NRS 616A.400; §6, NRS 616A.400 and 616B.012.

Section 1. Chapter 616B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *1. To obtain information for the proper presentation of his claim in a proceeding held pursuant to chapters 616A to 616D, inclusive, of NRS, a claimant or a person who has been authorized by the claimant to represent him must deliver a written request to his insurer. The insurer shall provide such information to the claimant or his authorized representative within 30 days after receipt of the written request. If, at the time of receipt of the written request from the claimant or his authorized representative, the requested information is in the possession of a third-party administrator or an organization for managed care with whom the insurer has contracted, the insurer shall take all reasonable steps necessary to obtain such information.*

2. To obtain confidential information pursuant to subsection 3 of NRS 616B.012, the requesting agency, department or board must deliver to the insurer a written request that must:

(a) Be written on the official letterhead of the requesting agency, department or board;

(b) State the purpose for which the requesting agency, department or board will use the requested information;

(c) Contain all pertinent information available to the requesting agency, department or board to identify:

(1) The injured employee, including, without limitation, his name, social security number, date of birth and the date of his injury; or

(2) The employer, including, without limitation, 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 insurer may need to process the request.

The insurer may require additional information to process the request. The insurer shall provide the requested confidential information to the requesting agency, department or board within 30 days after receiving the written request.

3. If a request requires the insurer to report on more than one employer or more than one injured employee, the head of the requesting agency, department or board must sign the request. If a request requires the insurer to report on only one employer or injured employee, either the head of the requesting agency, department of board or his designated agent must sign the request.

4. Upon receipt of a written request made pursuant to the provisions of subsection 5 of NRS 616B.012 by the chief executive officer of any law enforcement agency of this state, the administrator will instruct the insurer to provide the information requested to the chief executive officer within 30 days after receiving the instructions from the administrator. The insurer shall provide the information requested within 30 days after receipt of such an instruction from the administrator.

Sec. 3. *1. Except as otherwise provided in NAC 616B.454 and 616B.561, copies of all claim files maintained by an insurer, third-party administrator or organization for managed care pursuant to chapters 616A to 617, inclusive, of NRS or regulations adopted pursuant thereto must be maintained in one of its offices located in this state.*

2. All correspondence and other documents submitted to an insurer, third-party administrator or organization for managed care that concern a claim for compensation that is being administered pursuant to chapters 616A to 617, inclusive, of NRS or regulations adopted pursuant thereto must be addressed to the insurer, third-party administrator or organization for managed care at one of its offices located in this state. Such correspondence and documents shall be deemed to be officially received only if they have been so addressed.

Sec. 4. NAC 616C.073 is hereby amended to read as follows:

616C.073 1. A claim must be printed or typed, properly titled, [and] signed *and dated* by the person filing the claim or his attorney or other representative.

2. A claim must be submitted on a form *prescribed by the administrator 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. The original of each claim must be filed with the insurer.

4. 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. 5. NAC 616C.082 is hereby amended to read as follows:

616C.082 1. [Claims] *An insurer, third-party administrator or organization for managed care shall stamp all documents concerning claims that it receives pursuant to chapters 616A to 617, inclusive, of NRS or regulations adopted pursuant thereto with the date of receipt.*

2. *All claims* filed with the insurer [will], *third-party administrator or organization for managed care pursuant to subsection 1 and all documents concerning such claims must* be acted upon *and filed* in the chronological order of their [filings, insofar as possible.

2.] *receipt.*

3. All documents which constitute the record of a claim [.] *filed with the insurer, third-party administrator or organization for managed care pursuant to subsection 1, 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.*

Sec. 6. NAC 616B.009 is hereby repealed.

TEXT OF REPEALED SECTION

616B.009 Request for confidential information.

1. 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. The request must:

- (a) Be written on the official letterhead of the agency or board;
- (b) State the purpose for which the agency or board will use the requested information;
- (c) Contain all pertinent information available to the agency or board to 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 may need to process the request.

The system may require additional information to process the request.

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