

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

LCB File No. R150-04

Effective November 17, 2005

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

AUTHORITY: §1, NRS 616A.400 and 616C.040; §2, NRS 616A.400.

A REGULATION relating to industrial insurance; establishing requirements related to the completion and submission of claims for compensation by physicians, chiropractors or certain medical facilities; and providing other matters properly relating thereto.

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

1. A physician or chiropractor who is required to file a claim for compensation pursuant to NRS 616C.040, or a medical facility that has been delegated the duty to file a claim for compensation pursuant to subsection 2 of NRS 616C.040, shall:

(a) Require the injured employee to complete the upper portion of the form designated in NAC 616A.480 as Form C-4, Employee's Claim for Compensation/Report of Initial Treatment, including, without limitation, the name, address and telephone number of the employer of the injured employee and the name of the insurer or third-party administrator of the employer;

(b) Contact the employer or the insurer or third-party administrator of the employer to confirm the name and address of the insurer or third-party administrator;

(c) Send a copy of the completed Form C-4 to the employer and to the insurer or third-party administrator of the employer; and

(d) Maintain, together with the completed Form C-4, documentation of the steps taken by the physician, chiropractor or medical facility to verify that the insurer or third-party administrator is the insurer or third-party administrator of the employer.

2. If the physician, chiropractor or medical facility is unable to confirm whether an insurer or third-party administrator is the insurer or third-party administrator of the employer within 3 working days after first providing treatment to an injured employee for a particular injury, the physician, chiropractor or medical facility shall:

(a) Contact the nearest office of the Division by telephone at (702) 486-9000 for Henderson, Nevada, or at (775) 684-7260 for Carson City, Nevada; and

(b) If requested by the Division, provide a copy of the completed Form C-4 and documentation of the steps taken to verify that the insurer or third-party administrator is the insurer or third-party administrator of the employer.

Sec. 2. NAC 616C.070 is hereby amended to read as follows:

616C.070 As used in NAC 616C.070 to 616C.336, inclusive, *and section 1 of this regulation*, “insurer” includes any employer who provides accident benefits for injured employees pursuant to NRS 616C.265.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R150-04**

The Administrator of the Division of Industrial Relations of the Department of Business and Industry adopted regulations assigned LCB File No. R150-04 which pertain to chapter 616C of the Nevada Administrative Code on October 12, 2005.

Notice date: 6/30/2005
Hearing date: 8/1/2005

Date of adoption by agency: 10/12/2005
Filing date: 11/17/2005

INFORMATIONAL STATEMENT

1. A description of how comments were solicited from the public and affected businesses, a summary of responses from the public and affected businesses and an explanation of how other interested persons may obtain a copy of the summary.

Section 4, Subsection 2, of Senate Bill 168 (SB 168) authorizes a physician or chiropractor who has a duty to file a claim for compensation pursuant to subsection 1 to delegate the duty to a medical facility. The medical facility must comply with the filing requirements set forth in Senate Bill 168, and the delegation must be in writing and signed by the physician or chiropractor and an authorized representative of the medical facility.

Accordingly, the Division held a workshop on June 30, 2003 and public hearing on August 1, 2005 on the draft regulation that details filing requirements for physicians, chiropractor and medical facilities. In conjunction with providing notice to the public and interested parties of the workshop and public hearing, the Division prepared the Small Business Impact Statement required by NRS 233B. The Division submitted the draft regulation and Small Business Impact Statement to the Legislative Counsel Bureau pursuant to NRS 233B.

A summary of the responses from the public and affected businesses is included in #2 of this Informational Statement and may be obtained by contacting the Division of Industrial Relations' Workers' Compensation Section at the following locations:

Workers' Compensation Section
1301 N. Green Valley Pkwy., #200
Henderson, NV 89074
Telephone: (702) 486-9080

Workers' Compensation Section
400 W. King St., #400
Carson City, NV 89703
Telephone: (775) 684-7270

2. The number of persons who attended the workshop, testified at each workshop, and submitted written statements to the agency.

The workshop was conducted on June 30, 2003, at two sites via videoconference: the main site was at the Bradley Building in Las Vegas; the other site was at the Department of Business and Industry's conference room in Carson City. In Las Vegas, 38 people attended and 0 testified; in Carson City, 20 attended and 0 testified.

The hearing was conducted on August 1, 2005, at two sites via videoconference: the main site was at the Sawyer Building in Las Vegas; the other site was at the Legislative Building in Carson City. In Las Vegas, 14 people attended and 3 testified; in Carson City, 8 attended and 1 testified. The oral testimony is summarized as follows:

Larry Matheis – Nevada State Medical Association

- Mr. Matheis has asked the physicians and their staffs for input on this regulation. He has not received any comments. If any problems are identified in the future, he will let DIR know.

Redy Villanueva – Office of the Governor, Consumer Health Assistance

- Mr. Villanueva inquired about the pilot project being run by DIR that would assist healthcare providers in identifying carriers and third-party administrators for the injured workers. He also wanted to know if the system would be able to go statewide.

Michael Brooks – DIR/WCS/ER&A

- Mr. Brooks verified that DIR is beta testing the system with Fremont Medical Center and University Medical Center. A few modifications are required before release to the general public statewide.

Don Jayne – Self Insured Association

- Mr. Jayne recommended that as long as DIR was going to give specific telephone contact information in the regulation, perhaps they could include the DIR Web site address in the for future contact information.

There were 0 written comments submitted by the August 16, 2005 deadline announced at the hearing.

3. If the regulations were adopted without changing any part of the proposed regulations, a summary of the reasons for adopting the regulations without changes.

The Division did not change the wording as suggested by the oral testimony during the workshop and hearing. Mr. Jayne's suggestion of adding the Workers' Compensation Web site address was considered; however, the site's address recently changed, and given plans for site expansion and improvement, could conceivably change again. Therefore, rather than listing a specific URL in the regulation, WCS Web site users should be able to find the site using Web search engines and direct e-mails for existing WCS e-mail group listings.

4. The estimated economic effect of the adopted regulations on the businesses, which it is to regulate, and on the public.

Adverse: The Division believes that there is no immediate adverse economic effect of the regulations on business. The Division also anticipates no long-term adverse economic effect of the proposed regulations on affected medical facilities. The regulations do not increase fines or penalties. The regulations also do not impose any significant regulatory burdens associated with compliance.

The Division believes that there is no immediate adverse economic effect of the regulations on the public. The Division also believes that there is no long-term adverse economic effect of the regulations on the public. The regulations also do not impose any significant regulatory burdens associated with compliance.

Beneficial: The Division believes that the immediate beneficial economic effect of the regulations on business is minimal. The Division believes that the long-term beneficial economic effect of the regulations on business is also minimal. The regulations do not increase fines or penalties. The regulations also do not impose any significant regulatory burdens associated with compliance.

The Division believes that there is no immediate beneficial economic effect of the regulations on the general public. However, expedited economic benefits will be realized by those whose C-4 claim forms are processed faster. The Division also believes that there is no long-term beneficial economic effect of the regulations on the public. The regulations also do not impose any significant regulatory burdens associated with compliance.

5. The estimated cost to the agency for enforcement of the adopted regulations.

The Division estimates that the costs of the enforcing and administering this regulation will be minimal.

6. A description of any regulations of other state or government agencies, which the proposed regulations overlap or duplicate, and a statement explaining why the duplication or overlapping is necessary. If the regulations overlap or duplicate a federal regulation, the name of the regulating federal agency.

The Division believes that the proposed regulations do not overlap or duplicate any existing state, federal or other government regulations.

7. If the regulations include provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There is no federal regulation that regulates the same activity.

8. If the regulations provide a new fee or increase in existing fees, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulations do not provide for ongoing new fees or an increase in existing fees.