

LCB File No. R006-06

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

Explanation – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted

AUTHORITY: NRS 616A.400; 616C.105; 616C.490

Section 1. NAC 616C.021 is hereby amended to read as follows:

616C.021 1. The designation of a rating physician or chiropractor pursuant to NRS 616C.490 must be in writing. To qualify for designation, a physician or chiropractor must:

(a) Possess the qualifications required of a physician or chiropractor who is appointed to the panel of physicians and chiropractors established pursuant to NRS 616C.090 and NAC 616C.003;

(b) Demonstrate a special competence and interest in industrial health by:

(1) ~~Performing ratings evaluations of permanent partial disabilities when selected pursuant to NRS 616C.490, except disabilities related to an injured employee's vision or functional limitations, including deficiencies in brain function, resulting from an industrial accident or occupational disease;~~

Having appropriate medical school or residency training applicable to industrial health or a year of industrial health experience in private practice;

~~[(2) Scheduling and performing a rating evaluation within 30 days after receipt of a request from an insurer, a third-party administrator or an injured employee or his representative; and~~

~~(3) Serving without compensation for a period not to exceed 1 year on the panel to review ratings evaluations established pursuant to NAC 616C.023;~~

~~(e) Except as otherwise provided in this section:~~

~~[(1)]~~ (2) Successfully complete a course on rating disabilities *using the most recent edition of the Guide* that is approved by the Administrator ~~[, and];~~

(3) ~~[(p)]~~ Pass an examination covering this subject that is administered by the American Board of Independent Medical Examiners or its successor organization, or by any other organization or company recognized by the Division; *and,*

(4) Pass an examination designated by the administrator, on the current edition of the Guide adopted by the administrator with a score of 75% or higher.

~~[(2) Successfully complete a course on the most recent edition of the Guide, as adopted by reference pursuant to NAC 616C.002, and pass an examination covering this subject that is administered by the American Board of Independent Medical Examiners or its successor organization, or by any other organization or company recognized by the Division; and]~~

~~[(d)]~~ (c) Demonstrate an understanding of the:

(1) Regulations of the Division related to the evaluation of permanent partial disabilities; and

(2) *Guide*, as adopted by reference pursuant to NAC 616C.002.

2. The Administrator may authorize ophthalmologists and psychiatrists who are authorized to practice in this State to attend the relevant portions of the courses required by ~~[paragraph (e) of subsection 1]~~ *this section* and, upon the recommendation of the instructor of such a course, may, *without requiring an examination,* approve an ophthalmologist or psychiatrist to evaluate injured employees with impaired vision or brain damage according to his area of specialization.

3. ~~[In lieu of the individual courses and examinations required by paragraph (e) of subsection 1, a physician may qualify for designation if he has:~~

~~—(a) Successfully completed a course that covers both rating disabilities and the most recent edition of the *Guide*, as adopted by reference pursuant to NAC 616C.002; or~~

~~—(b) Passed an examination covering both subjects that is administered by the American Board of Independent Medical Examiners or its successor organization, or by any other organization or company recognized by the Division;~~

~~—as appropriate.] In order to maintain the designation as a rating physician or chiropractor, a physician or chiropractor must:~~

(a) Perform ratings evaluations of permanent partial disabilities when selected pursuant to NRS 616C.490, except disabilities related to an injured employee's vision or deficiencies in brain function;

(b) Schedule and perform rating evaluations within 30 days after receipt of a request from an insurer, a third-party administrator or an injured employee or his representative;

(c) Serve without compensation for a period not to exceed 1 year on the panel to review ratings evaluations established pursuant to NAC 616C.023;

(d) Complete, biannually, a minimum of 8 hours of impairment rating classes that are approved as continuing education courses by the Accreditation Council for Continuing Medical Education; and

*(e) Except as otherwise provided in this subsection, pass an examination designated by the administrator, on the current edition of the *Guide* adopted by the administrator with a score of 75% or higher; or*

(f) The Administrator may authorize ophthalmologists and psychiatrists who are authorized to practice in this State to attend the relevant portions of the courses required by this subsection and, upon the recommendation of the instructor of such a course, may, without

requiring an examination, approve an ophthalmologist or psychiatrist to evaluate injured employees with impaired vision or a deficiency in brain function according to his area of specialization.

4. A rating evaluation of a permanent partial disability may be performed by a chiropractor only if the injured employee's injury and treatment is related to his neuromusculoskeletal system.

5. A rating physician or chiropractor may not rate the disability of an injured employee if the physician or chiropractor has:

(a) Previously examined or treated the injured employee for the injury related to his claim for workers' compensation; or

(b) Reviewed the health care records of the injured employee and has made recommendations regarding the likelihood of the injured employee's ratable impairment.

6. A rating evaluation of a permanent partial disability performed by a rating physician or chiropractor is subject to review by the Administrator pursuant to the provisions of NAC 616C.023.