
ASSEMBLY BILL NO. 187—ASSEMBLYMEN JONES, MOORE, ELLISON,
SEAMAN, TITUS; DICKMAN, DOOLING, FIORE, GARDNER,
KIRNER, OSCARSON, SHELTON, STEWART, TROWBRIDGE
AND WHEELER

FEBRUARY 20, 2015

JOINT SPONSORS: SENATORS HARDY,
GUSTAVSON AND GOICOECHEA

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the selection of
providers of health care. (BDR 53-898)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to industrial insurance; revising provisions
relating to the panel of physicians and chiropractors
established by the Administrator of the Division of
Industrial Relations of the Department of Business and
Industry; revising provisions relating to the selection of a
physician or chiropractor by an injured employee; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes a system of industrial insurance to provide medical
2 care to employees who sustain an injury or illness as a result of their employment.
3 (Nevada Industrial Insurance Act, chapters 616A-616D of NRS) Under the
4 provisions of the Nevada Industrial Insurance Act, the Administrator of the
5 Division of Industrial Relations of the Department of Business and Industry is
6 required to establish a panel of physicians and chiropractors who are specially
7 qualified to treat injured employees. (NRS 616C.090) Additionally, an insurer who
8 provides industrial insurance may contract with either a managed care organization
9 or individual health care providers to provide health care services to injured
10 employees. (NRS 616B.527) Existing law also provides that if an insurer has
11 contracted with a managed care organization or other health care provider, an
12 injured employee must choose a treating physician or chiropractor from the
13 insurer’s list of contracted providers. If an insurer has not contracted with a



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14 managed care organization or other health care provider, an injured employee may
15 choose any provider included on the panel established by the Administrator.
16 (NRS 616C.090)

17 **Section 1** of this bill requires an insurer who contracts with health care
18 providers to provide health care services to injured employees to enter into a
19 contract with any provider of health care who requests such a contract and who is a
20 member of the panel established by the Administrator. The terms of the contract
21 must be substantially similar to the terms of contracts that the insurer enters into
22 with other similarly situated health care providers.

23 **Section 3** of this bill requires the Administrator to publish on the Internet a list
24 of the physicians and chiropractors who are members of the panel and provide a
25 copy of the list to any member of the public who requests it. **Section 3** also
26 provides that only insurers who contract with managed care organizations may limit
27 an injured employee's choice of treating physicians or chiropractors to the insurer's
28 list of contracted providers. All other injured employees may choose from any
29 treating physician or chiropractor included on the Administrator's panel. **Section 3**
30 further provides that an injured employee who is dissatisfied with the first
31 physician or chiropractor chosen may choose an alternative physician or
32 chiropractor if he or she does so within 90 days after the date of the injury or the
33 date on which the claim is accepted by the insurer, whichever is later, or within 90
34 days after the reopening of a claim. **Section 3** also provides that if the initial
35 treating physician recommends that the injured employee see a specialist, the
36 injured employee has 30 days to choose a specialist from the panel or, in the case of
37 an insurer who contracts with a managed care organization, pursuant to the terms of
38 the contract with the managed care organization.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 616B.527 is hereby amended to read as
2 follows:

3 616B.527 1. A self-insured employer, an association of self-
4 insured public or private employers or a private carrier may:

5 (a) Except as otherwise provided in NRS 616B.5273, enter into
6 a contract or contracts with one or more organizations for managed
7 care *established in compliance with chapter 695G of NRS* to
8 provide comprehensive medical and health care services to
9 employees for injuries and diseases that are compensable pursuant
10 to chapters 616A to 617, inclusive, of NRS.

11 (b) Enter into a contract or contracts with providers of health
12 care, including, without limitation, physicians who provide primary
13 care, specialists, pharmacies, physical therapists, radiologists,
14 nurses, diagnostic facilities, laboratories, hospitals and facilities that
15 provide treatment to outpatients, to provide medical and health care
16 services to employees for injuries and diseases that are compensable
17 pursuant to chapters 616A to 617, inclusive, of NRS.

18 (c) Require employees to obtain medical and health care
19 services for their industrial injuries from those organizations and
20 persons with whom the self-insured employer, association or private



1 carrier has contracted pursuant to paragraphs (a) and (b), or as the
2 self-insured employer, association or private carrier otherwise
3 prescribes.

4 (d) Except as otherwise provided in subsection ~~4~~ 5 of NRS
5 616C.090, require employees to obtain the approval of the self-
6 insured employer, association or private carrier before obtaining
7 medical and health care services for their industrial injuries from a
8 provider of health care who has not been previously approved by the
9 self-insured employer, association or private carrier.

10 2. *In accordance with paragraph (b) of subsection 1, a self-*
11 *insured employer, an association of self-insured public or private*
12 *employers or a private carrier shall not refuse to enter into a*
13 *contract with any physician or chiropractor who is listed on the*
14 *panel established by the Administrator pursuant to subsection 1 of*
15 *NRS 616C.090 and who is willing to accept the terms of a contract*
16 *that is compliant with all applicable federal, state and local laws*
17 *and substantially similar to contracts into which the employer,*
18 *association or carrier, as applicable, has entered with other*
19 *similarly situated physicians or chiropractors.*

20 3. An organization for managed care with whom a self-insured
21 employer, association of self-insured public or private employers or
22 a private carrier has contracted pursuant to this section shall comply
23 with the provisions of NRS 616B.528, 616B.5285 and 616B.529.

24 **Sec. 2.** NRS 616C.050 is hereby amended to read as follows:
25 616C.050 1. An insurer shall provide to each claimant:

26 (a) Upon written request, one copy of any medical information
27 concerning the claimant's injury or illness.

28 (b) A statement which contains information concerning the
29 claimant's right to:

30 (1) Receive the information and forms necessary to file a
31 claim;

32 (2) Select a treating physician or chiropractor and an
33 alternative treating physician or chiropractor in accordance with the
34 provisions of NRS 616C.090;

35 (3) Request the appointment of the Nevada Attorney for
36 Injured Workers to represent the claimant before the appeals officer;

37 (4) File a complaint with the Administrator;

38 (5) When applicable, receive compensation for:

39 (I) Permanent total disability;

40 (II) Temporary total disability;

41 (III) Permanent partial disability;

42 (IV) Temporary partial disability;

43 (V) All medical costs related to the claimant's injury or
44 disease; or



1 (VI) The hours the claimant is absent from the place of
2 employment to receive medical treatment pursuant to
3 NRS 616C.477;

4 (6) Receive services for rehabilitation if the claimant's injury
5 prevents him or her from returning to gainful employment;

6 (7) Review by a hearing officer of any determination or
7 rejection of a claim by the insurer within the time specified by
8 statute; and

9 (8) Judicial review of any final decision within the time
10 specified by statute.

11 2. The insurer's statement must include a copy of the form
12 designed by the Administrator pursuant to subsection ~~8~~ 11 of NRS
13 616C.090 that notifies injured employees of their right to select an
14 alternative treating physician or chiropractor. The Administrator
15 shall adopt regulations for the manner of compliance by an insurer
16 with the other provisions of subsection 1.

17 **Sec. 3.** NRS 616C.090 is hereby amended to read as follows:

18 616C.090 1. The Administrator shall establish a panel of
19 physicians and chiropractors who have demonstrated special
20 competence and interest in industrial health to treat injured
21 employees under chapters 616A to 616D, inclusive, or chapter 617
22 of NRS. *The Administrator shall publish a list of the panel of
23 physicians and chiropractors, organized by the area of practice or
24 specialty of the provider, on a publicly available Internet website
25 and make printed copies available to any member of the public
26 who requests a printed copy. The list must include, without
27 limitation, the office address and telephone number of every office
28 location maintained by each physician or chiropractor on the list.*

29 2. Every ~~employer whose~~ insurer *or third-party*
30 *administrator that* has not entered into a contract with an
31 organization for managed care ~~for with providers of health care~~
32 ~~services~~ pursuant to NRS 616B.527 shall maintain a list of those
33 physicians and chiropractors on the panel who are reasonably
34 accessible to ~~his or her~~ *the* employees ~~of~~
35 ~~2~~ *of the insured employer. The insurer or third-party*
36 *administrator shall publish the list required by this subsection,*
37 *organized by the area of practice or specialty of the provider, on*
38 *an Internet website readily available to the employees of the*
39 *insured employer and make printed copies available to any*
40 *employee who requests a printed copy. The list must include,*
41 *without limitation, the office address and telephone number of*
42 *every office location maintained by each physician or chiropractor*
43 *on the list.*

44 3. An injured employee whose employer's insurer has not
45 entered into a contract with an organization for managed care ~~for~~



1 ~~with providers of health care services~~ pursuant to NRS 616B.527
2 may choose ~~at~~ **any** treating physician or chiropractor from the
3 panel of physicians and chiropractors ~~that~~ **established pursuant to**
4 **subsection 1**. If the injured employee is not satisfied with the first
5 physician or chiropractor he or she so chooses, the injured employee
6 may make an alternative choice of physician or chiropractor from
7 the panel ~~if the choice is~~ **established pursuant to subsection 1**.
8 **The alternative choice may be made by the injured employee at**
9 **any time** within 90 days after ~~his~~ :

10 (a) **His** or her date of injury ~~The~~ **or the date on which the**
11 **claim is accepted pursuant to NRS 616C.065 or 617.356,**
12 **whichever is later; or**

13 (b) **The date on which the insurer reopens the claim pursuant**
14 **to NRS 616C.390.**

15 4. **If an employee chooses an alternative physician or**
16 **chiropractor pursuant to subsection 3, the insurer or third-party**
17 **administrator** shall notify the first physician or chiropractor in
18 writing. The notice must be postmarked within 3 working days after
19 the insurer **or third-party administrator** receives knowledge of the
20 change. The first physician or chiropractor must be reimbursed only
21 for the services the physician or chiropractor, as applicable,
22 rendered to the injured employee up to and including the date of
23 notification. Except as otherwise provided in this subsection, any
24 further change is subject to the approval of the insurer ~~or~~ **or third-**
25 **party administrator**, which must be granted or denied within 10
26 days after a written request for such a change is received from the
27 injured employee. If no action is taken on the request within 10
28 days, the request shall be deemed granted. Any request for a change
29 of physician or chiropractor must include the name of the new
30 physician or chiropractor chosen by the injured employee. If the
31 treating physician or chiropractor refers the injured employee to a
32 specialist for treatment, ~~the treating physician or chiropractor shall~~
33 ~~provide to~~ the injured employee ~~a list that includes the name of~~
34 ~~each~~ **may, within 30 days after the referral, select a** physician or
35 chiropractor with that specialization who is on the panel ~~. After~~
36 ~~receiving the list, the injured employee shall, at the time the referral~~
37 ~~is made, select a physician or chiropractor from the list.~~ **established**
38 **pursuant to subsection 1. If, within 30 days after the referral, the**
39 **injured employee has not selected a physician or chiropractor with**
40 **that specialization, the insurer or third-party administrator may**
41 **make the selection for the injured employee.**

42 ~~3-~~ 5. An injured employee whose employer's insurer has
43 entered into a contract with an organization for managed care ~~or~~
44 ~~with providers of health care services~~ pursuant to NRS 616B.527
45 must choose a treating physician or chiropractor pursuant to the



1 terms of that contract. If the injured employee is not satisfied with
2 the first physician or chiropractor he or she so chooses, the injured
3 employee may make an alternative choice of physician or
4 chiropractor pursuant to the terms of the contract without the
5 approval of the insurer *or third-party administrator* if the choice is
6 made within 90 days after ~~his~~ :

7 (a) *His* or her *date of* injury ~~H~~ *or the date on which the claim*
8 *is accepted pursuant to NRS 616C.065 or 617.356, whichever is*
9 *later; or*

10 (b) *The date on which the insurer reopens the claim pursuant*
11 *to NRS 616C.390.*

12 6. If the injured employee ~~H~~ *of an employer whose insurer*
13 *has entered into a contract with an organization for managed care*
14 *pursuant to NRS 616B.527*, after choosing a treating physician or
15 chiropractor, moves to a county which is not served by the
16 organization for managed care ~~for providers of health care services~~
17 named in the contract and the insurer *or third-party administrator*
18 determines that it is impractical for the injured employee to continue
19 treatment with the physician or chiropractor, the injured employee
20 must choose a treating physician or chiropractor who has agreed to
21 the terms of that contract unless the insurer *or third-party*
22 *administrator* authorizes the injured employee to choose another
23 physician or chiropractor. If the treating physician or chiropractor
24 refers the injured employee to a specialist for treatment, ~~the treating~~
25 ~~physician or chiropractor shall provide to~~ the injured employee ~~a~~
26 ~~list that includes the name of each~~ *may, within 30 days after the*
27 *referral, select a* physician or chiropractor with that specialization
28 who is available pursuant to the terms of the contract with the
29 organization for managed care . ~~for with providers of health care~~
30 ~~services pursuant to NRS 616B.527, as appropriate. After receiving~~
31 ~~the list, the injured employee shall, at the time the referral is made,~~
32 ~~select a physician or chiropractor from the list.~~ If the employee fails
33 to select a physician or chiropractor ~~H~~ *within 30 days after the*
34 *referral*, the insurer *or third-party administrator* may select a
35 physician or chiropractor with that specialization. If a physician or
36 chiropractor with that specialization is not available pursuant to the
37 terms of the contract, the organization for managed care ~~for the~~
38 ~~provider of health care services~~ may select a physician or
39 chiropractor with that specialization.

40 ~~4.~~ 7. If the injured employee is not satisfied with the
41 physician or chiropractor selected by himself or herself or by the
42 insurer, *the third-party administrator or* the organization for
43 managed care ~~for the provider of health care services~~ pursuant to
44 subsection ~~3.~~ 5, the injured employee may make an alternative
45 choice of physician or chiropractor pursuant to the terms of the



1 contract. A change in the treating physician or chiropractor may be
2 made at any time but is subject to the approval of the insurer ~~H~~ **or**
3 **third-party administrator**, which must be granted or denied within
4 10 days after a written request for such a change is received from
5 the injured employee. If no action is taken on the request within 10
6 days, the request shall be deemed granted. Any request for a change
7 of physician or chiropractor must include the name of the new
8 physician or chiropractor chosen by the injured employee. If the
9 insurer **or third-party administrator** denies a request for a change in
10 the treating physician or chiropractor under this subsection, the
11 insurer **or third-party administrator** must include in a written notice
12 of denial to the injured employee the specific reason for the denial
13 of the request.

14 ~~5-1~~ **8.** Except when emergency medical care is required and
15 except as otherwise provided in NRS 616C.055, the insurer is not
16 responsible for any charges for medical treatment or other accident
17 benefits furnished or ordered by any physician, chiropractor or other
18 person selected by the injured employee in disregard of the
19 provisions of this section or for any compensation for any
20 aggravation of the injured employee's injury attributable to
21 improper treatments by such physician, chiropractor or other person.

22 ~~6-1~~ **9.** The Administrator may order necessary changes in a
23 panel of physicians and chiropractors and shall suspend or remove
24 any physician or chiropractor from a panel for good cause shown.

25 ~~7-1~~ **10.** An injured employee may receive treatment by more
26 than one physician or chiropractor if the insurer **or third-party**
27 **administrator** provides written authorization for such treatment.

28 ~~8-1~~ **11.** The Administrator shall design a form that notifies
29 injured employees of their right pursuant to subsections ~~2, 3 and 4~~
30 **3 to 7, inclusive**, to select an alternative treating physician or
31 chiropractor and make the form available to insurers **and third-party**
32 **administrators** for distribution pursuant to subsection 2 of
33 NRS 616C.050.

34 **Sec. 4.** NRS 616C.475 is hereby amended to read as follows:

35 616C.475 1. Except as otherwise provided in this section,
36 NRS 616C.175 and 616C.390, every employee in the employ of an
37 employer, within the provisions of chapters 616A to 616D,
38 inclusive, of NRS, who is injured by accident arising out of and in
39 the course of employment, or his or her dependents, is entitled to
40 receive for the period of temporary total disability, $66 \frac{2}{3}$ percent of
41 the average monthly wage.

42 2. Except as otherwise provided in NRS 616B.028 and
43 616B.029, an injured employee or his or her dependents are not
44 entitled to accrue or be paid any benefits for a temporary total
45 disability during the time the injured employee is incarcerated. The



1 injured employee or his or her dependents are entitled to receive
2 such benefits when the injured employee is released from
3 incarceration if the injured employee is certified as temporarily
4 totally disabled by a physician or chiropractor.

5 3. If a claim for the period of temporary total disability is
6 allowed, the first payment pursuant to this section must be issued by
7 the insurer within 14 working days after receipt of the initial
8 certification of disability and regularly thereafter.

9 4. Any increase in compensation and benefits effected by the
10 amendment of subsection 1 is not retroactive.

11 5. Payments for a temporary total disability must cease when:

12 (a) A physician or chiropractor determines that the employee is
13 physically capable of any gainful employment for which the
14 employee is suited, after giving consideration to the employee's
15 education, training and experience;

16 (b) The employer offers the employee light-duty employment or
17 employment that is modified according to the limitations or
18 restrictions imposed by a physician or chiropractor pursuant to
19 subsection 7; or

20 (c) Except as otherwise provided in NRS 616B.028 and
21 616B.029, the employee is incarcerated.

22 6. Each insurer may, with each check that it issues to an injured
23 employee for a temporary total disability, include a form approved
24 by the Division for the injured employee to request continued
25 compensation for the temporary total disability.

26 7. A certification of disability issued by a physician or
27 chiropractor must:

28 (a) Include the period of disability and a description of any
29 physical limitations or restrictions imposed upon the work of the
30 employee;

31 (b) Specify whether the limitations or restrictions are permanent
32 or temporary; and

33 (c) Be signed by the treating physician or chiropractor
34 authorized pursuant to NRS 616B.527 or appropriately chosen
35 pursuant to subsection ~~13~~ 5, 6 or ~~14~~ 7 of NRS 616C.090.

36 8. If the certification of disability specifies that the physical
37 limitations or restrictions are temporary, the employer of the
38 employee at the time of the employee's accident may offer
39 temporary, light-duty employment to the employee. If the employer
40 makes such an offer, the employer shall confirm the offer in writing
41 within 10 days after making the offer. The making, acceptance or
42 rejection of an offer of temporary, light-duty employment pursuant
43 to this subsection does not affect the eligibility of the employee to
44 receive vocational rehabilitation services, including compensation,
45 and does not exempt the employer from complying with



1 NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the
2 regulations adopted by the Division governing vocational
3 rehabilitation services. Any offer of temporary, light-duty
4 employment made by the employer must specify a position that:

5 (a) Is substantially similar to the employee's position at the time
6 of his or her injury in relation to the location of the employment and
7 the hours the employee is required to work;

8 (b) Provides a gross wage that is:

9 (1) If the position is in the same classification of
10 employment, equal to the gross wage the employee was earning at
11 the time of his or her injury; or

12 (2) If the position is not in the same classification of
13 employment, substantially similar to the gross wage the employee
14 was earning at the time of his or her injury; and

15 (c) Has the same employment benefits as the position of the
16 employee at the time of his or her injury.

17 **Sec. 5.** NRS 695G.090 is hereby amended to read as follows:

18 695G.090 1. Except as otherwise provided in subsection 3,
19 the provisions of this chapter apply to each organization and insurer
20 that operates as a managed care organization and may include,
21 without limitation, an insurer that issues a policy of health
22 insurance, an insurer that issues a policy of individual or group
23 health insurance, a carrier serving small employers, a fraternal
24 benefit society, a hospital or medical service corporation, ~~and~~ a
25 health maintenance organization ~~+~~ *and any person operating as, or*
26 *contracting with, an organization for managed care pursuant to*
27 *NRS 616B.527 to 616B.529, inclusive.*

28 2. In addition to the provisions of this chapter, each managed
29 care organization shall comply with:

30 (a) The provisions of chapter 686A of NRS, including all
31 obligations and remedies set forth therein; and

32 (b) Any other applicable provision of this title.

33 3. The provisions of NRS 695G.164, 695G.1645, 695G.167,
34 695G.200 to 695G.230, inclusive, and 695G.430 do not apply to a
35 managed care organization that provides health care services to
36 recipients of Medicaid under the State Plan for Medicaid or
37 insurance pursuant to the Children's Health Insurance Program
38 pursuant to a contract with the Division of Health Care Financing
39 and Policy of the Department of Health and Human Services. This
40 subsection does not exempt a managed care organization from any
41 provision of this chapter for services provided pursuant to any other
42 contract.

43 **Sec. 6.** This act becomes effective:



- 1 1. Upon passage and approval for the purpose of adopting
- 2 regulations or performing any preparatory administrative tasks that
- 3 are necessary to carry out the provisions of this act; and
- 4 2. On January 1, 2016, for all other purposes.

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