

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

LCB File No. R006-06

February 13, 2006

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

AUTHORITY: §1, NRS 616A.400 and 616C.490.

A REGULATION relating to industrial insurance; revising the requirements for a physician or chiropractor to qualify for and maintain designation as a rating physician or chiropractor for the purposes of determining the extent of disability of certain injured employees; and providing other matters properly relating thereto.

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.

2. 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;~~

~~— (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;~~

~~— (c) Except as otherwise provided in this section:~~

~~— (1) Successfully complete] **Completing:**~~

(I) An appropriate level of training, as determined by the Administrator, related to industrial health from a nationally recognized program that provides training related to industrial health; or

(II) One year or more of experience concerning industrial health in private practice.

The Administrator shall determine whether the experience in private practice concerning industrial health is sufficient to qualify for designation as a rating physician or chiropractor on a case-by-case basis.

(2) Except as otherwise provided in subsection 3, successfully completing a course on rating disabilities , in accordance with the most recent edition of the Guide, that is approved by the Administrator . ~~[and pass]~~

(3) Except as otherwise provided in subsection 3, passing an examination ~~[covering this subject]~~ on evaluating disabilities and impairments 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]~~

~~— (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)]~~ *(4) Except as otherwise provided in subsection 3, passing an examination designated by the Administrator concerning the practical application of the rating of disabilities in accordance with the most recent edition of the Guide with a score of 75 percent or higher.*

(c) Demonstrate an understanding of ~~the:~~

~~—(1) Regulations]:~~

(1) The 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 Guide.*

3. The Administrator may ~~[authorize ophthalmologists and psychiatrists who are]~~ *exempt an ophthalmologist or psychiatrist who is* authorized to practice in this State ~~[to attend the relevant portions of the courses required by paragraph (c) of subsection 1 and, upon the recommendation of the instructor of such a course, may approve]~~ *from the requirements set forth in subparagraphs 2, 3 and 4 of paragraph (b) of subsection 2 and authorize* 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 (c) 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.]~~

4. *In order to maintain designation as a rating physician or chiropractor, the physician or chiropractor must:*

(a) *Except as otherwise provided in subsection 5, perform 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;*

(b) *Schedule and perform 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;*

(c) *Except as otherwise provided in subsection 5, serve without compensation for a period not to exceed 1 year on the panel to review ratings evaluations established pursuant to NAC 616C.023 upon the request of the Administrator;*

(d) *Except as otherwise provided in subsection 5, complete biennially after the date of designation as a rating physician or chiropractor not less than 8 hours of classes concerning the rating of impairments that are approved as continuing education courses by the Accreditation Council for Continuing Medical Education; and*

(e) *Except as otherwise provided in subsection 5, if the physician or chiropractor passed an examination concerning an edition of the Guide that is not the most recent edition adopted by the Administrator to become designated as a rating physician, pass an examination designated by the Administrator concerning the practical application of the rating of disabilities in*

accordance with the most recent edition of the Guide adopted by the Administrator with a score of 75 percent or higher.

5. If an ophthalmologist or psychiatrist has been designated as a rating physician and wishes to maintain such designation, the Administrator may exempt the ophthalmologist or psychiatrist who is authorized to practice in this State from the requirements set forth in paragraphs (a), (c), (d) and (e) of subsection 4 and authorize the ophthalmologist or psychiatrist to continue to evaluate injured employees with impaired vision or brain damage according to his area of specialization.

6. 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.

~~5.7.~~ 7. 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.

~~6.8.~~ 8. 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.