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To: Assembly Commerce & Labor committee
From: Nancyann Leeder, NAIW
Re: AB 495 additional changes
Date: 4/11/03

The following are additional amendments to AB 495 proposed in order to satisfy concerns voiced by insurers and employers. These changes are for consideration in addition to those offered last Monday, April 7, 2003. I discussed the bill with all who voiced concerns with the language of the bill, and the following satisfies all those concerns with the exception of section 9.

Section 2: **Delete**

Section 7: Delete the words "or for any other reason" from the proposed new language.

Section 8: Delete the words "or for any other reason" from the proposed new language.

Section 10: **Delete**

Issues covered in AB 206.

Section 11: **Delete** the proposed language change to NRS 616C.495 (1) (b) at page 13 of the bill.

Section 12: **Delete**

Section 13: Delete the words "after he receives written notification that he is eligible " ;
Add after the words "within 30 days" the words "of completion of the program".

The effect on the bill of both sets of proposed amendments is as follows:

Sections 5, 6, 14 and the first repeal section remain as printed.

Sections 7, 8, 11, 13 of the bill as printed have language changes.

Section 9 does not have agreement as SB320 makes proof more difficult and this section makes proof less difficult and reduces litigation.

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From: Nancyann Leeder, NAIW
Re: AB 495 recommended changes
Date: 4/7/03

SECTION 1: delete

In this year of necessary economizing, and in view of the cost as shown in the Division of Industrial Relations' fiscal note, the benefit seems too costly at this time.

SECTION 2: Eliminates the necessity for a deceased injured worker's child who is 18-22 and a full time student to have to prove dependency in order to be eligible for workers' comp benefits.

SECTION 3: delete

Insurers have voiced objection to this provision in view of the work already done with AB277.

SECTION 4: delete

In this year of necessary economizing, and in view of the cost as shown in the fiscal note from the state's Risk Management Division, the benefit seems too costly at this time.

SECTION 5: Clarifies the interaction of the evidence code with the workers' comp system, and allows the use of affidavits rather than requiring witnesses to testify in person.

SECTION 6: Requires clear notice in a letter to the injured worker from an insurer that claim closure will occur absent appeal, and thus benefits will cease.

SECTION 7: Makes more realistic the permissible excuses for failure to timely file request for hearing to the Hearing Office.

SECTION 8: Makes more realistic the permissible excuses for failure to timely file request for hearing to the Appeals Office.

SECTION 9: Changes the standard for reopening a claim to the same as used already in NRS 616C.175 (which applies when a condition results from a combination of industrial cause and non-industrial cause).

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SECTION 10: Addresses the same situation as addressed in AB 206, passed by this committee on Friday, 4/4/03.. The language differs somewhat: section (1)(a) is more comprehensive language in this bill, but the language in (4) is more comprehensive in AB 206.

SECTION 11: Attempts to clarify apportionment of permanent partial disability benefits by the insurer when a surviving spouse or alleged surviving spouse is not the parent of the dependent surviving children.

SECTION 12: Attempts to clarify payment of benefits and apportionment of benefits by the insurer when a surviving spouse or alleged surviving spouse is not the parent of the dependent surviving children, or there are in addition surviving dependent children who were parented by the surviving spouse.

SECTION 13: Changes when the request for additional vocational rehabilitation due to the existence of exceptional circumstances must be made from the beginning of the program, when it is not known, to the end, when it is known because problems have arisen during the program.

SECTION 14: Deals with unusual circumstance which sometimes occurred in past and attempts to correct negative consequence to injured worker caused by insurer.

SECTION 15: **delete**

In this year of necessary economizing, and in view of the cost as shown in the fiscal note from the state's Risk Management Division, the benefit seems too costly at this time.

REPEAL PROVISIONS:

1. NRS 616C.430: social security disability offset was not passed timely and so is not effective but merely a trap for those who do not know the background.

2. NRS 616D.030: **delete from bill**

Repealing would have reinstated the general insurance law tort of bad faith claims mismanagement as an action between the two interested parties who pay their own costs, rather than providing a general administrative remedy paid through assessments.