

SENATE BILL NO. 184—SENATOR MATHEWS

FEBRUARY 20, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions governing occupational diseases contracted by police officers. (BDR 53-851)

FISCAL NOTE: Effect on Local Government: Yes.
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 public employees; expanding the definition of “accident benefits” for purposes of industrial insurance to include preventative treatment for hepatitis administered as a precaution to a police officer employed in this state; creating a statutory presumption that hepatitis is an occupational disease for a police officer; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 616A.035 is hereby amended to read as
2 follows:
3 616A.035 1. “Accident benefits” means medical, surgical,
4 hospital or other treatments, nursing, medicine, medical and surgical
5 supplies, crutches and apparatuses, including prosthetic devices.
6 2. The term includes:
7 (a) Medical benefits as defined by NRS 617.130;
8 (b) Preventive treatment administered as a precaution to an
9 employee who is exposed to a contagious disease while providing
10 medical services, including emergency medical care, in the course
11 and scope of his employment;
12 (c) Preventive treatment administered as a precaution to a police
13 officer or a salaried or volunteer fireman who:
14 (1) Was exposed to a contagious disease:



1 (I) Upon battery by an offender; or
2 (II) While performing the duties of a police officer or
3 fireman,
4 if the exposure is documented by the creation and maintenance of a
5 report concerning the exposure pursuant to paragraph (a) of
6 subsection 1 of NRS 616C.052; or
7 (2) Tests positive for exposure to tuberculosis under the
8 circumstances described in NRS 616C.052; and
9 (d) Preventive treatment for hepatitis administered as a
10 precaution to a *police officer*, full-time salaried fireman or ~~fireman~~
11 emergency medical attendant employed in this state.
12 3. The term does not include:
13 (a) Exercise equipment, a hot tub or a spa for an employee's
14 home;
15 (b) Membership in an athletic or health club;
16 (c) Except as otherwise provided in NRS 616C.245, a motor
17 vehicle; or
18 (d) The costs of operating a motor vehicle provided pursuant to
19 NRS 616C.245, fees related to the operation or licensing of the
20 motor vehicle or insurance for the motor vehicle.
21 4. As used in this section:
22 (a) "Battery" includes, without limitation, the intentional
23 propelling or placing, or the causing to be propelled or placed, of
24 any human excrement or bodily fluid upon the person of an
25 employee.
26 (b) "Emergency medical attendant" means a person licensed as
27 an attendant or certified as an emergency medical technician,
28 intermediate emergency medical technician or advanced emergency
29 medical technician pursuant to chapter 450B of NRS, whose
30 primary duties of employment are the provision of emergency
31 medical services.
32 (c) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and
33 any additional diseases or conditions that are associated with or
34 result from hepatitis A, hepatitis B or hepatitis C.
35 (d) "Preventive treatment" includes, without limitation:
36 (1) Tests to determine if an employee has contracted hepatitis
37 or any other contagious disease to which he was exposed; and
38 (2) If an employee tests positive for exposure to tuberculosis
39 under the circumstances described in NRS 616C.052, such
40 medication and chest X rays as are recommended by the Centers for
41 Disease Control and Prevention of the *United States* Department of
42 Health and Human Services.
43 **Sec. 2.** NRS 617.485 is hereby amended to read as follows:
44 617.485 1. Notwithstanding any other provision of this
45 chapter and except as otherwise provided in this section, if an



1 employee has hepatitis, the disease is conclusively presumed to have
2 arisen out of and in the course of his employment if the employee
3 has been continuously employed for 5 years or more as a *police*
4 *officer*, full-time salaried fireman or emergency medical attendant in
5 this state before the date of any temporary or permanent disability or
6 death resulting from the hepatitis.

7 2. Compensation awarded to a *police officer*, fireman or ~~fireman~~
8 emergency medical attendant, or to the dependents of such a person,
9 for hepatitis pursuant to this section must include:

10 (a) Full reimbursement for related expenses incurred for medical
11 treatments, surgery and hospitalization; and

12 (b) The compensation provided in chapters 616A to 616D,
13 inclusive, of NRS for the disability or death.

14 3. A *police officer*, salaried fireman or ~~fireman~~ emergency medical
15 attendant shall ~~submit~~ :

16 (a) *Submit* to a blood test to screen for hepatitis C upon
17 employment, upon the commencement of coverage and thereafter on
18 an annual basis during his employment.

19 (b) *Submit to a blood test to screen for hepatitis A and hepatitis*
20 *B upon employment, upon the commencement of coverage and*
21 *thereafter on an annual basis during his employment, except that*
22 *a police officer, salaried fireman or emergency medical attendant*
23 *is not required to submit to a blood test to screen for hepatitis A*
24 *and hepatitis B on an annual basis during his employment if he*
25 *has been vaccinated for hepatitis A and hepatitis B upon*
26 *employment or at other medically appropriate times during his*
27 *employment. Each employer shall provide a police officer, salaried*
28 *fireman or emergency medical attendant with the opportunity to*
29 *be vaccinated for hepatitis A and hepatitis B upon employment*
30 *and at other medically appropriate times during his employment.*

31 4. All blood tests required pursuant to this section *and all*
32 *vaccinations provided pursuant to this section* must be paid for by
33 the employer.

34 ~~4.~~ 5. The provisions of this section:

35 (a) Except as otherwise provided in paragraph (b), do not apply
36 to a *police officer*, fireman or emergency medical attendant who is
37 diagnosed with hepatitis upon employment.

38 (b) Apply to a *police officer*, fireman or emergency medical
39 attendant who is diagnosed with hepatitis upon employment if,
40 during the employment or within 1 year after the last day of the
41 employment, he is diagnosed with a different strain of hepatitis.

42 (c) Apply to a *police officer*, fireman or emergency medical
43 attendant who is diagnosed with hepatitis after the termination of the
44 employment if the diagnosis is made within 1 year after the last day
45 of the employment.



1 ~~[5.]~~ 6. A *police officer*, fireman or ~~[an]~~ emergency medical
2 attendant who is determined to be:
3 (a) Partially disabled from an occupational disease pursuant to
4 the provisions of this section; and
5 (b) Incapable of performing, with or without remuneration, work
6 as a *police officer*, fireman or ~~[an]~~ emergency medical
7 attendant,
8 may elect to receive the benefits provided pursuant to NRS
9 616C.440 for a permanent total disability.
10 ~~[6.]~~ 7. As used in this section:
11 (a) "Emergency medical attendant" means a person licensed as
12 an attendant or certified as an emergency medical technician,
13 intermediate emergency medical technician or advanced emergency
14 medical technician pursuant to chapter 450B of NRS, whose
15 primary duties of employment are the provision of emergency
16 medical services.
17 (b) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and
18 any additional diseases or conditions that are associated with or
19 result from hepatitis A, hepatitis B or hepatitis C.
20 **Sec. 3.** 1. Notwithstanding any provision of NRS 617.485, a
21 person who submits to a blood test to screen for hepatitis on or after
22 October 1, 2003, but on or before September 30, 2004, and who, on
23 October 1, 2003:
24 (a) Is employed as a police officer in this state; or
25 (b) Had at any time been continuously employed for 5 years or
26 more as a police officer in this state,
27 shall be deemed to be in compliance with all blood testing that
28 would otherwise be required by subsection 3 of NRS 617.485
29 through the date of the blood test.
30 2. Notwithstanding the provisions of NRS 617.485, a person
31 who, on October 1, 2003, is employed as a police officer in this state
32 shall submit to a blood test to screen for hepatitis on or before
33 September 30, 2004. The blood test must be paid for by the
34 employer of the person. If a person fails to submit to a blood test
35 required by this subsection, the conclusive presumption relating to
36 hepatitis otherwise created by NRS 617.485 shall be deemed with
37 regard to that person and for the purposes of NRS 617.485 to be a
38 rebuttable presumption that may only be rebutted by clear and
39 convincing evidence that the hepatitis was not contracted during the
40 period in which the person was employed as a police officer.
41 3. If:
42 (a) A blood test taken pursuant to this section indicates that a
43 person has hepatitis; and



1 (b) Before taking the blood test, the person had at any time been
2 continuously employed for 5 years or more as a police officer in this
3 state,
4 the person is entitled to a rebuttable presumption that the hepatitis
5 arose out of and in the course of his employment and is
6 compensable in accordance with NRS 617.485 if he, before
7 January 1, 2005, files a claim for compensation pursuant to chapter
8 617 of NRS. The presumption may only be rebutted by clear and
9 convincing evidence that the hepatitis was not contracted during the
10 period in which the person was employed as a police officer in this
11 state.

12 4. As used in this section:

13 (a) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and
14 any additional diseases or conditions that are associated with or
15 result from hepatitis A, hepatitis B or hepatitis C.

16 (b) "Police officer" has the meaning ascribed to it in
17 NRS 617.135.

18 **Sec. 4.** The amendatory provisions of this act do not apply to
19 any person who, on October 1, 2003, is receiving compensation for
20 hepatitis pursuant to chapters 616A to 616D, inclusive, of NRS. As
21 used in this section, "hepatitis" includes hepatitis A, hepatitis B,
22 hepatitis C and any additional diseases or conditions that are
23 associated with or result from hepatitis A, hepatitis B or hepatitis C.

