

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 certain local 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 certain local police officers; creating a statutory presumption that hepatitis is an occupational disease for certain local police officers; 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. *As used in this*
12 *paragraph, "police officer" means a sheriff, deputy sheriff, officer*
13 *of a metropolitan police department or city policeman.*
14 3. The term does not include:
15 (a) Exercise equipment, a hot tub or a spa for an employee's
16 home;
17 (b) Membership in an athletic or health club;
18 (c) Except as otherwise provided in NRS 616C.245, a motor
19 vehicle; or
20 (d) The costs of operating a motor vehicle provided pursuant to
21 NRS 616C.245, fees related to the operation or licensing of the
22 motor vehicle or insurance for the motor vehicle.
23 4. As used in this section:
24 (a) "Battery" includes, without limitation, the intentional
25 propelling or placing, or the causing to be propelled or placed, of
26 any human excrement or bodily fluid upon the person of an
27 employee.
28 (b) "Emergency medical attendant" means a person licensed as
29 an attendant or certified as an emergency medical technician,
30 intermediate emergency medical technician or advanced emergency
31 medical technician pursuant to chapter 450B of NRS, whose
32 primary duties of employment are the provision of emergency
33 medical services.
34 (c) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and
35 any additional diseases or conditions that are associated with or
36 result from hepatitis A, hepatitis B or hepatitis C.
37 (d) "Preventive treatment" includes, without limitation:
38 (1) Tests to determine if an employee has contracted hepatitis
39 or any other contagious disease to which he was exposed; and
40 (2) If an employee tests positive for exposure to tuberculosis
41 under the circumstances described in NRS 616C.052, such
42 medication and chest X rays as are recommended by the Centers for
43 Disease Control and Prevention of the *United States* Department of
44 Health and Human Services.



1 **Sec. 2.** NRS 617.485 is hereby amended to read as follows:
2 617.485 1. Notwithstanding any other provision of this
3 chapter and except as otherwise provided in this section, if an
4 employee has hepatitis, the disease is conclusively presumed to have
5 arisen out of and in the course of his employment if the employee
6 has been continuously employed for 5 years or more as a *police*
7 *officer*, full-time salaried fireman or emergency medical attendant in
8 this state before the date of any temporary or permanent disability or
9 death resulting from the hepatitis.

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

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

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

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

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

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

34 4. All blood tests required pursuant to this section *and all*
35 *vaccinations provided pursuant to this section* must be paid for by
36 the employer.

37 ~~4.~~ 5. The provisions of this section:

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

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



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

5 ~~[5-]~~ 6. A *police officer*, fireman or ~~[an]~~ emergency medical
6 attendant who is determined to be:

7 (a) Partially disabled from an occupational disease pursuant to
8 the provisions of this section; and

9 (b) Incapable of performing, with or without remuneration, work
10 as a *police officer*, fireman or ~~[an]~~ emergency medical
11 attendant,

12 may elect to receive the benefits provided pursuant to NRS
13 616C.440 for a permanent total disability.

14 ~~[6-]~~ 7. As used in this section:

15 (a) "Emergency medical attendant" means a person licensed as
16 an attendant or certified as an emergency medical technician,
17 intermediate emergency medical technician or advanced emergency
18 medical technician pursuant to chapter 450B of NRS, whose
19 primary duties of employment are the provision of emergency
20 medical services.

21 (b) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and
22 any additional diseases or conditions that are associated with or
23 result from hepatitis A, hepatitis B or hepatitis C.

24 (c) "*Police officer*" means a *sheriff, deputy sheriff, officer of a*
25 *metropolitan police department or city policeman*.

26 **Sec. 3.** 1. Notwithstanding any provision of NRS 617.485, a
27 person who submits to a blood test to screen for hepatitis on or after
28 October 1, 2003, but on or before September 30, 2004, and who, on
29 October 1, 2003:

30 (a) Is employed as a police officer in this state; or

31 (b) Had at any time been continuously employed for 5 years or
32 more as a police officer in this state,
33 shall be deemed to be in compliance with all blood testing that
34 would otherwise be required by subsection 3 of NRS 617.485
35 through the date of the blood test.

36 2. Notwithstanding the provisions of NRS 617.485, a person
37 who, on October 1, 2003, is employed as a police officer in this state
38 shall submit to a blood test to screen for hepatitis on or before
39 September 30, 2004. The blood test must be paid for by the
40 employer of the person. If a person fails to submit to a blood test
41 required by this subsection, the conclusive presumption relating to
42 hepatitis otherwise created by NRS 617.485 shall be deemed with
43 regard to that person and for the purposes of NRS 617.485 to be a
44 rebuttable presumption that may only be rebutted by clear and



1 convincing evidence that the hepatitis was not contracted during the
2 period in which the person was employed as a police officer.

3 3. If:

4 (a) A blood test taken pursuant to this section indicates that a
5 person has hepatitis; and

6 (b) Before taking the blood test, the person had at any time been
7 continuously employed for 5 years or more as a police officer in this
8 state,
9 the person is entitled to a rebuttable presumption that the hepatitis
10 arose out of and in the course of his employment and is
11 compensable in accordance with NRS 617.485 if he, before
12 January 1, 2005, files a claim for compensation pursuant to chapter
13 617 of NRS. The presumption may only be rebutted by clear and
14 convincing evidence that the hepatitis was not contracted during the
15 period in which the person was employed as a police officer in this
16 state.

17 4. As used in this section:

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

21 (b) "Police officer" means a sheriff, deputy sheriff, officer of a
22 metropolitan police department or city policeman.

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

