

ASSEMBLY BILL NO. 437—COMMITTEE
ON COMMERCE AND LABOR

MARCH 27, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Limits the amount and circumstances under which a provider of health care may charge for filling out certain forms associated with certain leaves of absence. (BDR 54-670)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 providers of health care; limiting the amount and circumstances under which a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under the Family and Medical Leave Act of 1993, certain employees have the
2 right to take an unpaid leave of absence from work for certain medical or family
3 reasons, including, without limitation: (1) because of a serious health condition of
4 the employee that makes the employee unable to perform the functions of his or her
5 position; (2) to care for certain family members who have a serious health
6 condition; or (3) to care for certain veterans or members of the Armed Forces who
7 have suffered a serious injury or illness. (29 U.S.C. § 2612) The Act authorizes an
8 employer of an employee who requests leave for one of those reasons to require the
9 employee to provide a certification issued by a health care provider that contains
10 certain information concerning the serious health condition or serious injury or
11 illness. (29 U.S.C. § 2613; 29 C.F.R. §§ 825.305-825.310) This bill prohibits a
12 provider of health care from charging a person any fee or charge to fill out a form
13 for such a certification if the provider of health care has examined, treated or
14 otherwise provided health care services to the person who is the subject of the
15 certification within the immediately preceding 3 years. If the provider of health has
16 not examined, treated or otherwise provided health care services to the person who
17 is the subject of the certification within the immediately preceding 3 years, this bill



18 prohibits the provider of health care from charging more than \$25 to fill out such a
19 form.

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

1 **Section 1.** Chapter 629 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *If a person requests that a provider of health care fill out a*
4 *form for a certification required by an employer pursuant to 29*
5 *U.S.C. § 2613, the provider of health care shall not charge the*
6 *person:*

7 1. *Any fee or charge to fill out the form if the provider of*
8 *health care has examined, treated or otherwise provided health*
9 *care services to the person who is the subject of the certification*
10 *within the 3 years immediately preceding the date on which the*
11 *request to fill out the form is made.*

12 2. *More than \$25 to fill out the form if the provider of health*
13 *care has not examined, treated or otherwise provided health care*
14 *services to the person who is the subject of the certification within*
15 *the 3 years immediately preceding the date on which the request to*
16 *fill out the form is made.*

