

SENATE BILL NO. 170—SENATOR STEINBECK

PREFILED FEBRUARY 3, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-632)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 1, 2) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 industrial insurance; requiring a firefighter or volunteer firefighter to submit to an annual cancer screening for certain industrial insurance coverage for cancer; revising provisions governing the administration of physical examinations required of certain firefighters, arson investigators and police officers for certain industrial insurance coverage for lung disease and heart disease; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, an employee who contracts an occupational disease arising  
2 out of and in the course of his or her employment is generally entitled to receive  
3 compensation under industrial insurance. (Chapter 617 of NRS) Existing law  
4 provides that certain diseases of the lungs and heart contracted by certain  
5 firefighters, arson investigators, volunteer firefighters and police officers are  
6 occupational diseases for which the employee is entitled to compensation under  
7 certain circumstances. Under existing law, an employee covered by those  
8 provisions is required to submit to a physical examination upon employment, upon  
9 commencement of coverage and periodically thereafter, the frequency of which  
10 depends on the age and occupation of the employee. (NRS 617.455, 617.457)  
11 Sections 2-4 of this bill revise requirements for the administering of such a physical  
12 examination. Section 2: (1) requires such a physical examination to be  
13 administered by a licensed physician or advanced practice registered nurse who is  
14 knowledgeable about the physical demands of firefighting and law enforcement;  
15 and (2) sets forth various tests and examinations that such a physical examination  
16 must include.



17 Under existing law, cancer contracted by certain firefighters, volunteer  
18 firefighters or certain other employees resulting in either temporary or permanent  
19 disability or death is an occupational disease and compensable under industrial  
20 insurance under certain circumstances. (NRS 617.453) **Section 1** of this bill  
21 requires a firefighter or volunteer firefighter to submit to a cancer screening upon  
22 employment, upon commencement of coverage and thereafter on an annual basis  
23 during his or her employment. **Section 2** sets forth various requirements for the  
24 administration of such a cancer screening.

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

1 **Section 1.** NRS 617.453 is hereby amended to read as follows:  
2 617.453 1. Notwithstanding any other provision of this  
3 chapter, cancer, resulting in either temporary or permanent  
4 disability, or death, is an occupational disease and compensable as  
5 such under the provisions of this chapter if:  
6 (a) The cancer develops or manifests itself out of and in the  
7 course of the employment of a person who, for 5 years or more, has  
8 been:  
9 (1) Employed in this State in a full-time salaried occupation  
10 as:  
11 (I) A firefighter for the benefit or safety of the public;  
12 (II) An investigator of fires or arson; or  
13 (III) An instructor or officer for the provision of training  
14 concerning fire or hazardous materials; or  
15 (2) Acting as a volunteer firefighter in this State and is  
16 entitled to the benefits of chapters 616A to 616D, inclusive, of NRS  
17 pursuant to the provisions of NRS 616A.145; and  
18 (b) It is demonstrated that:  
19 (1) The person was exposed, while in the course of the  
20 employment, to a known carcinogen, or a substance reasonably  
21 anticipated to be a human carcinogen, as defined by the  
22 International Agency for Research on Cancer or the National  
23 Toxicology Program; and  
24 (2) The carcinogen or substance, as applicable, is reasonably  
25 associated with the disabling cancer.  
26 2. With respect to a person who, for 5 years or more, has been  
27 employed in this State as a firefighter, investigator, instructor or  
28 officer described in subparagraph (1) of paragraph (a) of subsection  
29 1, or has acted as a volunteer firefighter in this State as described in  
30 subparagraph (2) of paragraph (a) of subsection 1, the following  
31 substances shall be deemed, for the purposes of paragraph (b) of  
32 subsection 1, to be known carcinogens that are reasonably  
33 associated with the following disabling cancers:



1 (a) Diesel exhaust, formaldehyde and polycyclic aromatic  
2 hydrocarbon shall be deemed to be known carcinogens that are  
3 reasonably associated with bladder cancer.

4 (b) Acrylonitrile, formaldehyde and vinyl chloride shall be  
5 deemed to be known carcinogens that are reasonably associated with  
6 brain cancer.

7 (c) Asbestos, benzene, diesel exhaust and soot, digoxin, ethylene  
8 oxide, polychlorinated biphenyls and polycyclic aromatic  
9 hydrocarbon shall be deemed to be known carcinogens that are  
10 reasonably associated with breast cancer.

11 (d) Diesel exhaust and formaldehyde shall be deemed to be  
12 known carcinogens that are reasonably associated with colon cancer.

13 (e) Diesel exhaust and soot, formaldehyde and polycyclic  
14 aromatic hydrocarbon shall be deemed to be known carcinogens that  
15 are reasonably associated with esophageal cancer.

16 (f) Formaldehyde shall be deemed to be a known carcinogen  
17 that is reasonably associated with Hodgkin's lymphoma.

18 (g) Formaldehyde and polycyclic aromatic hydrocarbon shall be  
19 deemed to be known carcinogens that are reasonably associated with  
20 kidney cancer.

21 (h) Benzene, diesel exhaust and soot, formaldehyde, 1,3-  
22 butadiene and polycyclic aromatic hydrocarbon shall be deemed to  
23 be known carcinogens that are reasonably associated with leukemia.

24 (i) Chloroform, soot and vinyl chloride shall be deemed to be  
25 known carcinogens that are reasonably associated with liver cancer.

26 (j) Arsenic, asbestos, cadmium, chromium compounds, oils,  
27 polycyclic aromatic hydrocarbon, radon, silica, soot and tars shall be  
28 deemed to be known carcinogens that are reasonably associated with  
29 lung cancer.

30 (k) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic  
31 hydrocarbon, soot and vinyl chloride shall be deemed to be known  
32 carcinogens that are reasonably associated with lymphatic or  
33 hematopoietic cancer.

34 (l) Diesel exhaust, soot, aldehydes and polycyclic aromatic  
35 hydrocarbon shall be deemed to be known carcinogens that are  
36 reasonably associated with basal cell carcinoma, squamous cell  
37 carcinoma and malignant melanoma.

38 (m) Benzene, dioxins and glyphosate shall be deemed to be  
39 known carcinogens that are reasonably associated with multiple  
40 myeloma.

41 (n) Arsenic, asbestos, benzene, diesel exhaust and soot,  
42 formaldehyde and hydrogen chloride shall be deemed to be known  
43 carcinogens that are reasonably associated with nasopharyngeal  
44 cancer, including laryngeal cancer and pharyngeal cancer.



1 (o) Benzene, chronic hepatitis B and C viruses, formaldehyde  
2 and polychlorinated biphenyls shall be deemed to be known  
3 carcinogens that are reasonably associated with non-Hodgkin's  
4 lymphoma.

5 (p) Asbestos, benzene and formaldehyde shall be deemed to be  
6 known carcinogens that are reasonably associated with ovarian  
7 cancer.

8 (q) Polycyclic aromatic hydrocarbon shall be deemed to be a  
9 known carcinogen that is reasonably associated with pancreatic  
10 cancer.

11 (r) Acrylonitrile, benzene and formaldehyde shall be deemed to  
12 be known carcinogens that are reasonably associated with prostate  
13 cancer.

14 (s) Diesel exhaust and soot, formaldehyde and polycyclic  
15 aromatic hydrocarbon shall be deemed to be known carcinogens that  
16 are reasonably associated with rectal cancer.

17 (t) Chlorophenols, chlorophenoxy herbicides and  
18 polychlorinated biphenyls shall be deemed to be known carcinogens  
19 that are reasonably associated with soft tissue sarcoma.

20 (u) Diesel exhaust and soot, formaldehyde and polycyclic  
21 aromatic hydrocarbon shall be deemed to be known carcinogens that  
22 are reasonably associated with stomach cancer.

23 (v) Diesel exhaust, soot and polychlorinated biphenyls shall be  
24 deemed to be known carcinogens that are reasonably associated with  
25 testicular cancer.

26 (w) Diesel exhaust, benzene and X-ray radiation shall be  
27 deemed to be known carcinogens that are reasonably associated with  
28 thyroid cancer.

29 (x) Diesel exhaust and soot, formaldehyde and polycyclic  
30 aromatic hydrocarbon shall be deemed to be known carcinogens that  
31 are reasonably associated with urinary tract cancer and ureteral  
32 cancer.

33 (y) Benzene and polycyclic aromatic hydrocarbon shall be  
34 deemed to be known carcinogens that are reasonably associated with  
35 uterine cancer.

36 3. The provisions of subsection 2 do not create an exclusive list  
37 and do not preclude any person from demonstrating, on a case-by-  
38 case basis for the purposes of paragraph (b) of subsection 1, that a  
39 substance is a known carcinogen or is reasonably anticipated to be a  
40 human carcinogen, including an agent classified by the International  
41 Agency for Research on Cancer in Group 1 or Group 2A, that is  
42 reasonably associated with a disabling cancer.

43 4. Except as otherwise provided in subsection 10,  
44 compensation awarded to the employee or his or her dependents for  
45 disabling cancer pursuant to this section must include:



1 (a) Full reimbursement for related expenses incurred for medical  
2 treatments, surgery and hospitalization in accordance with the  
3 schedule of fees and charges established pursuant to NRS 616C.260  
4 or, if the insurer has contracted with an organization for managed  
5 care or with providers of health care pursuant to NRS 616B.527, the  
6 amount that is allowed for the treatment or other services under that  
7 contract; and

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

10 5. For a person who has been employed in this State as a  
11 firefighter, investigator, instructor or officer described in  
12 subparagraph (1) of paragraph (a) of subsection 1, or has acted as a  
13 volunteer firefighter in this State as described in subparagraph (2) of  
14 paragraph (a) of subsection 1, disabling cancer is rebuttably  
15 presumed to have arisen out of and in the course of the employment  
16 of the person if the disease is diagnosed during the course of the  
17 person's employment described in paragraph (a) of subsection 1.

18 6. For a person who has been employed in this State as a  
19 firefighter, investigator, instructor or officer described in  
20 subparagraph (1) of paragraph (a) of subsection 1 and who retires  
21 before July 1, 2019, or has acted as a volunteer firefighter in this  
22 State as described in subparagraph (2) of paragraph (a) of subsection  
23 1, regardless of the date on which the volunteer firefighter retires,  
24 disabling cancer is rebuttably presumed to have arisen out of and in  
25 the course of the person's employment pursuant to this subsection.  
26 This rebuttable presumption applies to disabling cancer diagnosed  
27 after the termination of the person's employment if the diagnosis  
28 occurs within a period, not to exceed 60 months, which begins with  
29 the last date the employee actually worked in the qualifying capacity  
30 and extends for a period calculated by multiplying 3 months by the  
31 number of full years of his or her employment.

32 7. For a person who has been employed in this State as a  
33 firefighter, investigator, instructor or officer described in  
34 subparagraph (1) of paragraph (a) of subsection 1 and who retires on  
35 or after July 1, 2019, disabling cancer is rebuttably presumed to  
36 have arisen out of and in the course of the person's employment  
37 pursuant to this subsection. This rebuttable presumption applies to  
38 disabling cancer diagnosed:

39 (a) If the person ceases employment before completing 20 years  
40 of service as a firefighter, investigator, instructor or officer, during  
41 the period after separation from employment which is equal to the  
42 number of years worked; or

43 (b) If the person ceases employment after completing 20 years  
44 or more of service as a firefighter, investigator, instructor or officer,  
45 at any time during the person's life.



1 8. Service credit which is purchased in a retirement system  
2 must not be used to calculate the number of years of service or  
3 employment of a person for the purposes of this section.

4 9. A rebuttable presumption created by subsection 5, 6 or 7  
5 must control the awarding of benefits pursuant to this section unless  
6 evidence to rebut the presumption is presented. The provisions of  
7 subsections 5, 6 and 7 do not create a conclusive presumption.

8 10. A person who files a claim for a disabling cancer pursuant  
9 to subsection 7 after he or she retires from employment as a  
10 firefighter, investigator of fires or arson, or instructor or officer for  
11 the provision of training concerning fire or hazardous materials is  
12 not entitled to receive any compensation for that disease other than  
13 medical benefits.

14 *11. Each person who is employed as a firefighter or acting as  
15 a volunteer firefighter and who is to be covered for cancer  
16 pursuant to the provisions of this section shall submit to a cancer  
17 screening upon employment, upon commencement of coverage  
18 and thereafter on an annual basis during his or her employment.*

19 *12. All cancer screenings required pursuant to subsection 11  
20 must be paid for by the employer.*

21 **Sec. 2.** NRS 617.454 is hereby amended to read as follows:

22 617.454 1. Any physical examination administered pursuant  
23 to NRS 617.455 or 617.457 *or cancer screening administered  
24 pursuant to NRS 617.453 must be administered by a physician  
25 licensed pursuant to chapter 630 or 633 of NRS or advanced  
26 practice registered nurse licensed pursuant to NRS 632.237 who is  
27 knowledgeable about the physical demands of firefighting and law  
28 enforcement.*

29 *2. Any physical examination administered pursuant to NRS  
30 617.455 or 617.457 must include:*

31 (a) A thorough test of the functioning of the hearing of the  
32 employee ~~[; and]~~, *which must consist of a pure-tone test that is  
33 performed:*

34 *(1) In a soundproof booth approved by the American  
35 National Standards Institute;*

36 *(2) Using frequencies ranging from 500 hertz to 8000 hertz;  
37 and*

38 *(3) Separately on each ear;*

39 (b) A purified protein derivative skin test *or tuberculin blood  
40 test* to screen for exposure to tuberculosis ~~;~~

41 ~~—2.;~~

42 *(c) A hands-on physical examination, which must consist of:*

43 *(1) An examination of the vital signs of the employee,  
44 including, without limitation, the height, weight, blood pressure,  
45 temperature, heart rate and respiratory rate of the employee;*



1 (2) An examination of the head, eyes, ears, nose and throat  
2 of the employee;

3 (3) An examination of the neck of the employee;

4 (4) A cardiovascular examination using the methods of  
5 inspection, auscultation, percussion and palpation;

6 (5) A pulmonary examination using the methods of  
7 inspection, auscultation, percussion and palpation;

8 (6) A gastrointestinal examination using the methods of  
9 inspection, auscultation, percussion and palpation;

10 (7) A genitourinary examination;

11 (8) An examination of the cervical, auxiliary and inguinal  
12 lymph nodes of the employee;

13 (9) A neurological examination evaluating the general  
14 mental status of the employee;

15 (10) A cranial nerve examination;

16 (11) A peripheral nerve examination that tests for  
17 sensation, motor function and reflexes;

18 (12) A musculoskeletal examination that tests the range of  
19 motion for all joints; and

20 (13) An examination of the skin of the employee for color,  
21 vascularity, lesions and edema;

22 (d) An analysis of the blood of the employee, which must  
23 include, without limitation:

24 (1) A white blood cell count;

25 (2) A blood differential test;

26 (3) A red blood cell count;

27 (4) A platelet count;

28 (5) An aspartate aminotransferase test;

29 (6) An alanine aminotransferase test;

30 (7) A lactate dehydrogenase test;

31 (8) An alkaline phosphatase test;

32 (9) A bilirubin test;

33 (10) An albumin test;

34 (11) A blood glucose test;

35 (12) If the results of the blood glucose test reveal a glucose  
36 level of more than 120 milligrams per decilitre, a hemoglobin A1C  
37 test;

38 (13) A creatinine test;

39 (14) A glomerular filtration rate test;

40 (15) A blood urea nitrogen test;

41 (16) A sodium test;

42 (17) A potassium test;

43 (18) A carbon dioxide test;

44 (19) A calcium test;

45 (20) A full lipid panel test;



- 1           (21) *A thyroid stimulating hormone test;*  
2           (22) *A cortisol test;*  
3           (23) *A test to detect hepatitis A, hepatitis B and hepatitis C;*  
4 *and*  
5           (24) *A prostate-specific antigen test;*  
6       (e) *The pulmonary function test of spirometry;*  
7       (f) *A urinalysis performed using a dipstick and which includes,*  
8 *without limitation:*  
9           (1) *A pH test;*  
10          (2) *A glucose test;*  
11          (3) *A ketones test;*  
12          (4) *A protein test;*  
13          (5) *A blood test; and*  
14          (6) *A bilirubin test;*  
15       (g) *A posterior-anterior chest x-ray, which must be interpreted*  
16 *by a radiologist;*  
17       (h) *An examination of the heart of the employee, which must*  
18 *include:*  
19           (1) *A stethoscopic examination of the heart;*  
20           (2) *A resting electrocardiogram;*  
21           (3) *If the employee is 40 years of age or older or*  
22 *abnormalities were observed in the resting electrocardiogram, a*  
23 *stress electrocardiogram; and*  
24           (4) *If the employee is 40 years of age or older and the test*  
25 *has not been performed in the immediately preceding 3 years, a*  
26 *coronary calcium score test; and*  
27       (i) *A screening of the vision of the employee, which must*  
28 *include:*  
29           (1) *The use of the Bailey-Lovie Chart; and*  
30           (2) *A color vision test.*  
31       3. *A cancer screening administered pursuant to NRS 617.453*  
32 *must include, without limitation:*  
33       (a) *An examination of the skin of the employee;*  
34       (b) *If the employee is a woman who is 40 years of age or older,*  
35 *a mammogram;*  
36       (c) *If the employee is a woman, a pap smear;*  
37       (d) *A bladder urine test that is evaluated for hematuria;*  
38       (e) *A thyroid examination to screen for palpable nodules;*  
39       (f) *If the employee is a man, a testicular examination;*  
40       (g) *If the employee is 40 years of age or older, a blood test that*  
41 *detects signals from as many types of cancer as possible,*  
42 *including, without limitation, types of cancer for which screenings*  
43 *are not commonly performed;*  
44       (h) *A fecal occult blood test; and*





1 *(i) If the employee is 45 years of age or older and the test has*  
2 *not been performed in the immediately preceding 10 years, a*  
3 *colonoscopy.*

4 4. Except as otherwise provided in subsection 8 of NRS  
5 617.457, the tests required by this section must be paid for by the  
6 employer.

7 ~~3.1~~ 5. Except as otherwise provided by the provisions  
8 governing privacy in the Health Insurance Portability and  
9 Accountability Act of 1996, Public Law 104-191, as amended, and  
10 applicable regulations, or an employee's collective bargaining  
11 agreement, whichever is more restrictive:

12 (a) The results of a physical examination administered pursuant  
13 to NRS 617.455 or 617.457 *or a cancer screening administered*  
14 *pursuant to NRS 617.453* may only be provided to:

15 (1) The examining physician;

16 (2) The employee;

17 (3) The employer's officer who is responsible for risk  
18 management or human resources or his or her designee; and

19 (4) If the employee has filed a claim pursuant to NRS  
20 *617.453*, 617.455 or 617.457, the insurer.

21 (b) A person who receives the results of a physical examination  
22 *or cancer screening* pursuant to paragraph (a) may only use the  
23 results for the purposes of:

24 (1) Complying with the requirements of NRS *617.453*,  
25 617.455 or 617.457, as applicable; or

26 (2) Creating a report pursuant to paragraph (c).

27 (c) The employer's officer who is responsible for risk  
28 management or human resources or his or her designee may create  
29 and release a report that is based on the results of a physical  
30 examination administered pursuant to NRS 617.455 or 617.457 *or a*  
31 *cancer screening administered pursuant to NRS 617.453* to any  
32 person whom the employer's officer determines has a need to know  
33 the information in the report. The report must only contain the  
34 following information:

35 (1) The name of the employee who was the subject of the  
36 physical examination; and

37 (2) A statement that the employee, as applicable:

38 (I) Satisfies the physical qualifications required for his or  
39 her employment; or

40 (II) Does not satisfy the physical qualifications required  
41 for his or her employment.

42 **Sec. 3.** NRS 617.455 is hereby amended to read as follows:

43 617.455 1. Notwithstanding any other provision of this  
44 chapter, diseases of the lungs, resulting in either temporary or  
45 permanent disability or death, are occupational diseases and



1 compensable as such under the provisions of this chapter if caused  
2 by exposure to heat, smoke, fumes, tear gas or any other noxious  
3 gases, arising out of and in the course of the employment of a  
4 person who, for 2 years or more, has been:

5 (a) Employed in this State in a full-time salaried occupation of  
6 fire fighting or the investigation of arson for the benefit or safety of  
7 the public;

8 (b) Acting as a volunteer firefighter in this State and is entitled  
9 to the benefits of chapters 616A to 616D, inclusive, of NRS  
10 pursuant to the provisions of NRS 616A.145; or

11 (c) Employed in a full-time salaried occupation as a police  
12 officer in this State.

13 2. Except as otherwise provided in subsection 3, each  
14 employee who is to be covered for diseases of the lungs pursuant to  
15 the provisions of this section shall submit to a physical examination  
16 ~~[, including a thorough test of the functioning of his or her lungs and~~  
17 ~~the making of an X ray film of the employee's lungs,]~~ upon  
18 employment, upon commencement of the coverage, once every 2  
19 years until the employee is 40 years of age or older and thereafter on  
20 an annual basis during his or her employment.

21 3. Each volunteer firefighter who is to be covered for diseases  
22 of the lungs pursuant to the provisions of this section shall submit  
23 to:

24 (a) A physical examination upon employment and upon  
25 commencement of the coverage; and

26 (b) The making of an X-ray film of the volunteer firefighter's  
27 lungs once every 3 years after the physical examination that is  
28 required upon commencement of the coverage,

29 ↪ until the volunteer firefighter reaches the age of 50 years. Each  
30 volunteer firefighter who is 50 years of age or older shall submit to a  
31 physical examination once every 2 years during his or her  
32 employment. ~~[As used in this subsection, "physical examination"~~  
33 ~~includes the making of an X ray film of the volunteer firefighter's~~  
34 ~~lungs but excludes a thorough test of the functioning of his or her~~  
35 ~~lungs.]~~

36 4. All physical examinations required pursuant to subsections 2  
37 and 3 must be paid for by the employer.

38 5. A disease of the lungs is conclusively presumed to have  
39 arisen out of and in the course of the employment of a person who  
40 has been employed in a full-time continuous, uninterrupted and  
41 salaried occupation as a police officer, firefighter or arson  
42 investigator for 2 years or more before the date of disablement if the  
43 disease is diagnosed and causes the disablement:

44 (a) During the course of that employment;



1 (b) If the person ceases employment before completing 20 years  
2 of service as a police officer, firefighter or arson investigator, during  
3 the period after separation from employment which is equal to the  
4 number of years worked; or

5 (c) If the person ceases employment after completing 20 years  
6 or more of service as a police officer, firefighter or arson  
7 investigator, at any time during the person's life.

8 ↪ Service credit which is purchased in a retirement system must not  
9 be calculated towards the years of service of a person for the  
10 purposes of this section.

11 6. Frequent or regular use of a tobacco product within 1 year,  
12 or a material departure from a physician's prescribed plan of care by  
13 a person within 3 months, immediately preceding the filing of a  
14 claim for compensation excludes a person who has separated from  
15 service from the benefit of the conclusive presumption provided in  
16 subsection 5.

17 7. Failure to correct predisposing conditions which lead to lung  
18 disease when so ordered in writing by the examining physician after  
19 a physical examination required pursuant to subsection 2 or 3  
20 excludes the employee from the benefits of this section if the  
21 correction is within the ability of the employee.

22 8. A person who is determined to be:

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

25 (b) Incapable of performing, with or without remuneration, work  
26 as a firefighter, police officer or arson investigator,

27 ↪ may elect to receive the benefits provided under NRS 616C.440  
28 for a permanent total disability.

29 9. A person who files a claim for a disease of the lungs  
30 specified in this section after he or she retires from employment as a  
31 police officer, firefighter or arson investigator is not entitled to  
32 receive any compensation for that disease other than medical  
33 benefits.

34 10. The Administrator shall review a claim filed by a claimant  
35 pursuant to this section that has been in the appeals process for  
36 longer than 6 months to determine the circumstances causing the  
37 delay in processing the claim. As used in this subsection, "appeals  
38 process" means the period of time that:

39 (a) Begins on the date on which the claimant first files or  
40 submits a request for a hearing or an appeal of a determination  
41 regarding the claim; and

42 (b) Continues until the date on which the claim is adjudicated to  
43 a final decision.

44 11. Except as otherwise provided in this subsection, if an  
45 employer, insurer or third-party administrator denies a claim that



1 was filed pursuant to this section and the claimant ultimately  
2 prevails, the Administrator may order the employer, insurer or third-  
3 party administrator, as applicable, to pay to the claimant a benefit  
4 penalty of not more than \$200 for each day from the date on which  
5 an appeal is filed until the date on which the claim is adjudicated to  
6 a final decision. Such benefit penalty is payable in addition to any  
7 benefits to which the claimant is entitled under the claim and any  
8 fines and penalties imposed by the Administrator pursuant to NRS  
9 616D.120. If a hearing before a hearing officer is requested pursuant  
10 to NRS 616C.315 and held pursuant to NRS 616C.330, the  
11 employer, insurer or third-party administrator, as applicable, shall  
12 pay to the claimant all medical costs which are associated with the  
13 occupational disease and are incurred from the date on which the  
14 hearing is requested until the date on which the claim is adjudicated  
15 to a final decision. If the employer, insurer or third-party  
16 administrator, as applicable, ultimately prevails, the employer,  
17 insurer or third-party administrator, as applicable, is entitled to  
18 recover the amount paid pursuant to this subsection in accordance  
19 with the provisions of NRS 616C.138.

20 **Sec. 4.** NRS 617.457 is hereby amended to read as follows:

21 617.457 1. Notwithstanding any other provision of this  
22 chapter, diseases of the heart of a person who, for 2 years or more,  
23 has been employed in a full-time continuous, uninterrupted and  
24 salaried occupation as a firefighter, arson investigator or police  
25 officer in this State before the date of disablement are conclusively  
26 presumed to have arisen out of and in the course of the employment  
27 if the disease is diagnosed and causes the disablement:

28 (a) During the course of that employment;

29 (b) If the person ceases employment before completing 20 years  
30 of service as a police officer, firefighter or arson investigator, during  
31 the period after separation from employment which is equal to the  
32 number of years worked; or

33 (c) If the person ceases employment after completing 20 years  
34 or more of service as a police officer, firefighter or arson  
35 investigator, at any time during the person's life.

36 ➤ Service credit which is purchased in a retirement system must not  
37 be calculated towards the years of service of a person for the  
38 purposes of this section.

39 2. Frequent or regular use of a tobacco product within 1 year,  
40 or a material departure from a physician's prescribed plan of care by  
41 a person within 3 months, immediately preceding the filing of a  
42 claim for compensation excludes a person who has separated from  
43 service from the benefit of the conclusive presumption provided in  
44 subsection 1.



1 3. Notwithstanding any other provision of this chapter, diseases  
2 of the heart, resulting in either temporary or permanent disability or  
3 death, are occupational diseases and compensable as such under the  
4 provisions of this chapter if caused by extreme overexertion in times  
5 of stress or danger and a causal relationship can be shown by  
6 competent evidence that the disability or death arose out of and was  
7 caused by the performance of duties as a volunteer firefighter by a  
8 person entitled to the benefits of chapters 616A to 616D, inclusive,  
9 of NRS pursuant to the provisions of NRS 616A.145 and who, for 5  
10 years or more, has served continuously as a volunteer firefighter in  
11 this State by continuously maintaining an active status on the roster  
12 of a volunteer fire department.

13 4. Except as otherwise provided in subsection 5, each  
14 employee who is to be covered for diseases of the heart pursuant to  
15 the provisions of this section shall submit to a physical examination  
16 ~~[including an examination of the heart,]~~ upon employment, upon  
17 commencement of coverage and thereafter on an annual basis during  
18 his or her employment.

19 5. During the period in which a volunteer firefighter is  
20 continuously on active status on the roster of a volunteer fire  
21 department, a physical examination for the volunteer firefighter is  
22 required:

23 (a) Upon employment;

24 (b) Upon commencement of coverage; and

25 (c) Once every 3 years after the physical examination that is  
26 required pursuant to paragraph (b),

27 ↪ until the firefighter reaches the age of 50 years. Each volunteer  
28 firefighter who is 50 years of age or older shall submit to a physical  
29 examination once every 2 years during his or her employment.

30 6. The employer of the volunteer firefighter is responsible for  
31 scheduling the physical examination. The employer shall mail to the  
32 volunteer firefighter a written notice of the date, time and place of  
33 the physical examination at least 10 days before the date of the  
34 physical examination and shall obtain, at the time of mailing, a  
35 certificate of mailing issued by the United States Postal Service.

36 7. Failure to submit to a physical examination that is scheduled  
37 by his or her employer pursuant to subsection 6 excludes the  
38 volunteer firefighter from the benefits of this section.

39 8. The chief of a volunteer fire department may require an  
40 applicant to pay for any physical examination required pursuant to  
41 this section if the applicant:

42 (a) Applies to the department for the first time as a volunteer  
43 firefighter; and

44 (b) Is 50 years of age or older on the date of his or her  
45 application.



1 9. The volunteer fire department shall reimburse an applicant  
2 for the cost of a physical examination required pursuant to this  
3 section if the applicant:

4 (a) Paid for the physical examination in accordance with  
5 subsection 8;

6 (b) Is declared physically fit to perform the duties required of a  
7 firefighter; and

8 (c) Becomes a volunteer with the volunteer fire department.

9 10. Except as otherwise provided in subsection 8, all physical  
10 examinations required pursuant to subsections 4 and 5 must be paid  
11 for by the employer.

12 11. Failure to correct predisposing conditions which lead to  
13 heart disease when so ordered in writing by the examining physician  
14 subsequent to a physical examination required pursuant to  
15 subsection 4 or 5 excludes the employee from the benefits of this  
16 section if the correction is within the ability of the employee.

17 12. A person who is determined to be:

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

20 (b) Incapable of performing, with or without remuneration, work  
21 as a firefighter, arson investigator or police officer,

22 ↪ may elect to receive the benefits provided under NRS 616C.440  
23 for a permanent total disability.

24 13. Claims filed under this section may be reopened at any  
25 time during the life of the claimant for further examination and  
26 treatment of the claimant upon certification by a physician of a  
27 change of circumstances related to the occupational disease which  
28 would warrant an increase or rearrangement of compensation.

29 14. A person who files a claim for a disease of the heart  
30 specified in this section after he or she retires from employment as a  
31 firefighter, arson investigator or police officer is not entitled to  
32 receive any compensation for that disease other than medical  
33 benefits.

34 15. The Administrator shall review a claim filed by a claimant  
35 pursuant to this section that has been in the appeals process for  
36 longer than 6 months to determine the circumstances causing the  
37 delay in processing the claim. As used in this subsection, "appeals  
38 process" means the period of time that:

39 (a) Begins on the date on which the claimant first files or  
40 submits a request for a hearing or an appeal of a determination  
41 regarding the claim; and

42 (b) Continues until the date on which the claim is adjudicated to  
43 a final decision.

44 16. Except as otherwise provided in this subsection, if an  
45 employer, insurer or third-party administrator denies a claim that



1 was filed pursuant to this section and the claimant ultimately  
2 prevails, the Administrator may order the employer, insurer or third-  
3 party administrator, as applicable, to pay to the claimant a benefit  
4 penalty of not more than \$200 for each day from the date on which  
5 an appeal is filed until the date on which the claim is adjudicated to  
6 a final decision. Such benefit penalty is payable in addition to any  
7 benefits to which the claimant is entitled under the claim and any  
8 fines and penalties imposed by the Administrator pursuant to NRS  
9 616D.120. If a hearing before a hearing officer is requested pursuant  
10 to NRS 616C.315 and held pursuant to NRS 616C.330, the  
11 employer, insurer or third-party administrator, as applicable, shall  
12 pay to the claimant all medical costs which are associated with the  
13 occupational disease and are incurred from the date on which the  
14 hearing is requested until the date on which the claim is adjudicated  
15 to a final decision. If the employer, insurer or third-party  
16 administrator, as applicable, ultimately prevails, the employer,  
17 insurer or third-party administrator, as applicable, is entitled to  
18 recover the amount paid pursuant to this subsection in accordance  
19 with the provisions of NRS 616C.138.

20 **Sec. 5.** The provisions of NRS 354.599 do not apply to any  
21 additional expenses of a local government that are related to the  
22 provisions of this act.



