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Workers' Compensation; Confidentiality of Medical Records

University of the Pacific, McGeorge School of Law

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tested case.⁸ With the enactment of Chapter 156, an employer may appeal this type of decision to the Manager of the System within thirty days after the decision is made.⁹ Furthermore, Chapter 156 explicitly authorizes the Manager to conduct hearings pursuant to the provisions and regulations of the Industrial Insurance Act.¹⁰ The Manager's decision is a final and binding administrative determination of the appeal.¹¹

Under existing law, every employer governed by the provisions of the Industrial Insurance Act, except self-insured employers,¹² must deliver to the system an accurate payroll showing (1) the total amount paid to employees for services performed during the month, (2) a segregation of employment, and (3) the premium that is due.¹³ An employer misrepresenting the amount of payroll may be liable in a civil action brought on behalf of the System.¹⁴ Chapter 156 authorizes the System to impose a penalty for an employer's failure to submit payroll information within the time allowed, unless the employer is granted an extension by the Manager.¹⁵

7. *Id.* §616.090 (definition of employer).

8. *See id.* §§616.395 (process of fixing premium by order of the manager apparently does not allow the employer an opportunity to be heard), 616.629-680 (no administrative penalties are imposed as a result of system decisions).

9. 1983 Nev. Stat. c. 156, §1, at 355; *see also* NEV. REV. STAT. §616.182(3) (amended by 1983 Nev. Stat. c. 156, §2, at 355) (the system is now responsible for administrative appeals regarding decisions by its employees relating to employers' accounts).

10. 1983 Nev. Stat. c. 156, §1, at 356; *see also* NEV. REV. STAT. §§616.226 (amended by 1983 Nev. Stat. c. 156, §3, at 355), 616.230 (amended by 1983 Nev. Stat. c. 156, §4, at 356), 616.235 (amended by 1983 Nev. Stat. c. 483, §6, at 1293), 616.245 (amended by 1983 Nev. Stat. c. 156, §6, at 356), 616.5424 (amended by 1983 Nev. Stat. c. 156, §10, at 358) (provisions and regulations in conducting hearings under the Industrial Insurance Act).

11. 1983 Nev. Stat. c. 156, §1(2) at 356; *see also* NEV. REV. STAT. §616.542(4) (amended by 1983 Nev. Stat. c. 406, §1, at 1010) (appeals officer is also given final and binding determination). The whole record consists of all the evidence taken at the hearing, and any findings of fact and conclusions of law determined by the manager. 1983 Nev. Stat. c. 156, §1(2), at 1010. *See also* Nevada Industrial Insurance Commission v. Reese, 93 Nev. 115, 120, 560 P.2d 1352, 1354 (1977) (administrative officials can exercise administrative powers that are quasi-judicial in nature without violating the separation of powers doctrine).

12. NEV. REV. STAT. §616.112 (definition of self-insured employer).

13. *Id.* §616.400(1).

14. *Id.* §616.635.

15. *Id.* §616.400(7) (amended by 1983 Nev. Stat. c. 156, §7, at 357) (the penalty may not exceed four percent of the premiums that are due or fifteen dollars, whichever is greater).

Workers' Compensation; confidentiality of medical records

NEV. REV. STAT. §616.360 (amended).

AB 433 (Banner); 1983 STAT. Ch 209

Existing law sets forth a comprehensive workers' compensation system for the purpose of insuring employers against liability for em-

ployee injuries¹ and occupational diseases.² When an employee³ is involved in an accident,⁴ the employer⁵ may direct or the worker may request an examination by a physician to ascertain the character and extent of the injury and to obtain immediate medical attention.⁶ The physician is required to furnish a report to the employer and insurer,⁷ and may be required to testify about the employee's injury.⁸ Chapter 209 restricts the scope of medical disclosure by prohibiting an employer from requiring the injured employee to disclose, or from requiring the injured employee to cause to be disclosed, any information concerning the employee's physical condition other than the character and extent of the injury.⁹

1. NEV. REV. STAT. §616.110 (definition of injury).

2. *Id.* §616.1701; *see also id.* §§617.440-457, 617.460, 617.470 (defining occupational disease). *See generally id.* §§616.010-680 (Nevada Industrial Insurance Act).

3. *Id.* §§616.055-.087 (definition of employee).

4. *Id.* §616.020 (definition of accident).

5. *Id.* §616.090 (definition of employer).

6. *Id.* §616.360(2).

7. *See id.* §§616.345, 616.360(2).

8. *See id.* §616.355.

9. *Id.* §616.360(2) (amended by 1983 Nev. Stat. c. 209, §1, at 478).

Workers' Compensation; admission to facilities

NEV. REV. STAT. §616.223 (amended).

AB 111 (Banner); 1983 STAT. Ch 112

Existing law requires the State Industrial Insurance System¹ (hereinafter referred to as System) and the Rehabilitative Division of the Department of Human Resources² to enter into an annual agreement to ensure cooperation between the agencies in providing services to the claimants of each agency.³ Pursuant to this cooperative agreement, the System must give priority service to employees⁴ who have suffered industrial injuries or occupational diseases.⁵

Only persons suffering from injuries caused by trauma could, under

1. *See* NEV. REV. STAT. §616.1701(creation of State Industrial Insurance System).

2. *See id.* §232.300(2)(d) (creation of Rehabilitation Division of Department of Human Resources).

3. *Id.* §616.223(1).

4. *Id.* §§616.055-.087 (definition of employee).

5. *Id.* §§616.223(5) (amended by 1983 Nev. Stat. c. 112, §1(5), at 293), 617.440(definition of occupational disease); *see* *Smith v. Garside*, 76 Nev. 377, 382, 355 P.2d 849, 851 (1960) (Exposure must be incidental to the character of the business and not from a hazard the worker would have been equally exposed to outside of the employment). *Id.*