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Workers' Compensation; Admission to Facilities

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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.*

prior law, be admitted to the facilities of the system.⁶ With the enactment of Chapter 112, a person may be admitted to these facilities for rehabilitative services if (1) the person will benefit from the services⁷ and (2) the admission is approved by the medical director of the facility.⁸ In addition, existing law requires that a person admitted for rehabilitation be referred to the facility by a physician for the specific purpose of rehabilitation.⁹ Chapter 112 expressly prohibits the admission of any claimant who is terminally ill, or who is referred solely for the treatment of alcohol or drug abuse.¹⁰

6. 1981 Nev. Stat. c. 642, §112, at 1460 (amending NEV. REV. STAT. §616.223(4)); see *Periss v. Nevada Industrial Commission*, 55 Nev. 40, 44, 24 P.2d 318, 319(1933) (trauma is any injury to the body caused by external violence).

7. NEV. REV. STAT. §616.223(4)(a) (amended by 1983 Nev. Stat. c. 112, §1(4), at 293).

8. Compare *id.* §616.223 (4) (amended by 1983 Nev. Stat. c. 112, §1(4), at 293) with 1981 Nev. Stat. c. 642, §112, at 1460 (amending NEV. REV. STAT. §616.223(4)).

9. *Id.* §616.223(4)(b) (amended by 1983 Nev. Stat. c. 112, §1(4), at 293).

10. *Id.* §616.223(4) (amended by 1983 Nev. Stat. c. 112, §1(4), at 293).