

**PROPOSED REGULATION OF THE ADMINISTRATOR OF
THE DIVISION OF INDUSTRIAL RELATIONS OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R127-17

November 6, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 616A.400 and 616C.495, as amended by section 9 of Assembly Bill No. 458, chapter 216, Statutes of Nevada 2017, at page 1167.

A REGULATION relating to industrial insurance; eliminating adoption by regulation of the factors to be applied in computing a lump sum payment for an award for a permanent partial disability; repealing provisions superseded by legislation enacted during the 2017 Legislative Session; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this regulation deletes from the Nevada Administrative Code a table of factors which are applied to compute present value to make a lump sum payment for an award for a permanent partial disability. (NAC 616C.502)

Section 9 of Assembly Bill No. 458 of the 2017 Regular Session of the Nevada Legislature amended NRS 616C.495 to set forth conditions under which a claimant for an award for a permanent partial disability may elect to receive compensation in a lump sum, superseding similar conditions set forth in NAC 616C.498. (Chapter 216, Statutes of Nevada 2017) **Section 2** of this regulation repeals NAC 616C.498.

Section 1. NAC 616C.502 is hereby amended to read as follows:

616C.502 ~~{The factors in the following table must be applied whenever present value is computed to make a lump sum payment for an award for a permanent partial disability.}~~ The determination of the age of an injured employee must be made by subtracting the birthdate of the

injured employee from the date of the request by the injured employee for a lump-sum payment

H for an award for a permanent partial disability. Only the month and year may be used in the determination.

DIVISION OF INDUSTRIAL RELATIONS

**Factors to be Applied to Awards for Monthly
Permanent Partial Disability to Calculate Lump-Sum Settlements**

Age Years	1997 UNDIFFERENTIATED PENSION MORTALITY— 6% INTEREST											
	MALES/FEMALES—BENEFITS TO AGE 70											
	Months											
	—0	—1	—2	—3	—4	—5	—6	—7	—8	—9	—10	—11
15	-192.72	-192.68	-192.63	-192.59	-192.54	-192.50	-192.45	-192.41	-192.36	-192.32	-192.27	-192.23
16	-192.18	-192.13	-192.09	-192.04	-191.99	-191.94	-191.89	-191.85	-191.80	-191.75	-191.70	-191.65
17	-191.61	-191.56	-191.50	-191.45	-191.40	-191.35	-191.30	-191.25	-191.20	-191.14	-191.09	-191.04
18	-190.99	-190.94	-190.88	-190.83	-190.77	-190.72	-190.66	-190.61	-190.55	-190.50	-190.44	-190.39
19	-190.33	-190.27	-190.21	-190.16	-190.10	-190.04	-189.98	-189.92	-189.86	-189.80	-189.74	-189.68
20	-189.63	-189.56	-189.50	-189.44	-189.37	-189.31	-189.25	-189.18	-189.12	-189.06	-188.99	-188.93
21	-188.87	-188.80	-188.73	-188.66	-188.60	-188.53	-188.46	-188.39	-188.33	-188.26	-188.19	-188.12
22	-188.05	-187.98	-187.91	-187.84	-187.76	-187.69	-187.62	-187.55	-187.47	-187.40	-187.33	-187.26
23	-187.18	-187.11	-187.03	-186.95	-186.87	-186.79	-186.72	-186.64	-186.56	-186.48	-186.40	-186.33
24	-186.25	-186.16	-186.08	-186.00	-185.92	-185.83	-185.75	-185.67	-185.58	-185.50	-185.42	-185.33
25	-185.25	-185.16	-185.07	-184.99	-184.90	-184.81	-184.72	-184.63	-184.54	-184.46	-184.37	-184.28
26	-184.19	-184.10	-184.00	-183.91	-183.81	-183.72	-183.63	-183.53	-183.44	-183.34	-183.25	-183.16
27	-183.06	-182.96	-182.86	-182.76	-182.66	-182.56	-182.46	-182.36	-182.26	-182.16	-182.06	-181.96
28	-181.86	-181.75	-181.64	-181.54	-181.43	-181.32	-181.22	-181.11	-181.00	-180.90	-180.79	-180.68
29	-180.58	-180.46	-180.35	-180.24	-180.12	-180.01	-179.90	-179.79	-179.67	-179.56	-179.45	-179.33
30	-179.22	-179.10	-178.98	-178.86	-178.74	-178.62	-178.50	-178.38	-178.27	-178.15	-178.03	-177.91
31	-177.79	-177.66	-177.54	-177.41	-177.28	-177.16	-177.03	-176.90	-176.78	-176.65	-176.52	-176.40
32	-176.27	-176.14	-176.01	-175.87	-175.74	-175.60	-175.47	-175.34	-175.20	-175.07	-174.94	-174.90
33	-174.67	-174.53	-174.39	-174.25	-174.11	-173.96	-173.82	-173.68	-173.54	-173.40	-173.26	-173.12
34	-172.98	-172.83	-172.68	-172.53	-172.38	-172.23	-172.08	-171.94	-171.79	-171.64	-171.49	-171.34
35	-171.19	-171.04	-170.88	-170.72	-170.57	-170.41	-170.26	-170.10	-169.94	-169.79	-169.63	-169.48
36	-169.32	-169.16	-168.99	-168.83	-168.66	-168.50	-168.33	-168.17	-168.01	-167.84	-167.68	-167.51
37	-167.35	-167.18	-167.01	-166.83	-166.66	-166.49	-166.32	-166.14	-165.97	-165.80	-165.63	-165.45
38	-165.28	-165.10	-164.92	-164.74	-164.56	-164.38	-164.20	-164.02	-163.83	-163.65	-163.47	-163.29
39	-163.11	-162.92	-162.73	-162.54	-162.35	-162.16	-161.97	-161.78	-161.59	-161.40	-161.21	-161.02
40	-160.83	-160.63	-160.43	-160.23	-160.03	-159.83	-159.64	-159.44	-159.24	-159.04	-158.84	-158.64
41	-158.44	-158.23	-158.02	-157.81	-157.60	-157.39	-157.19	-156.98	-156.77	-156.56	-156.35	-156.14
42	-155.93	-155.71	-155.49	-155.27	-155.06	-154.84	-154.62	-154.40	-154.18	-153.96	-153.74	-153.52
43	-153.30	-153.07	-152.84	-152.62	-152.39	-152.16	-151.93	-151.70	-151.47	-151.24	-151.01	-150.78

~~DIVISION OF INDUSTRIAL RELATIONS~~

~~Factors to be Applied to Awards for Monthly
Permanent Partial Disability to Calculate Lump Sum Settlements~~

Age Years	MALES/FEMALES—BENEFITS TO AGE 70											1997 UNDIFFERENTIATED PENSION MORTALITY— 6% INTEREST
	—0	—1	—2	—3	—4	—5	—6	—7	—8	—9	—10	—11
44	-150.55	-150.31	-150.07	-149.83	-149.59	-149.35	-149.11	-148.87	-148.63	-148.39	-148.15	-147.91
45	-147.67	-147.42	-147.17	-146.91	-146.66	-146.41	-146.16	-145.91	-145.66	-145.41	-145.15	-144.90
46	-144.65	-144.39	-144.12	-143.86	-143.60	-143.34	-143.07	-142.81	-142.55	-142.28	-142.02	-141.76
47	-141.49	-141.22	-140.94	-140.67	-140.39	-140.12	-139.84	-139.57	-139.29	-139.02	-138.74	-138.47
48	-138.19	-137.91	-137.62	-137.33	-137.04	-136.76	-136.47	-136.18	-135.90	-135.61	-135.32	-135.03
49	-134.75	-134.45	-134.14	-133.84	-133.54	-133.24	-132.94	-132.64	-132.34	-132.04	-131.74	-131.44
50	-131.14	-130.82	-130.51	-130.19	-129.88	-129.56	-129.25	-128.94	-128.62	-128.31	-127.99	-127.68
51	-127.36	-127.03	-126.70	-126.38	-126.05	-125.72	-125.39	-125.06	-124.73	-124.40	-124.07	-123.74
52	-123.41	-123.07	-122.72	-122.38	-122.04	-121.69	-121.35	-121.00	-120.66	-120.32	-119.97	-119.63
53	-119.28	-118.92	-118.56	-118.20	-117.84	-117.48	-117.12	-116.76	-116.40	-116.04	-115.68	-115.32
54	-114.96	-114.58	-114.20	-113.83	-113.45	-113.07	-112.69	-112.31	-111.94	-111.56	-111.18	-110.80
55	-110.43	-110.03	-109.63	-109.24	-108.84	-108.44	-108.05	-107.65	-107.25	-106.86	-106.46	-106.06
56	-105.67	-105.25	-104.83	-104.41	-104.00	-103.58	-103.16	-102.75	-102.33	-101.91	-101.50	-101.08
57	-100.66	-100.23	-99.79	-99.35	-98.91	-98.47	-98.03	-97.60	-97.16	-96.72	-96.28	-95.84
58	-95.40	-94.94	-94.48	-94.02	-93.56	-93.10	-92.64	-92.18	-91.71	-91.25	-90.79	-90.33
59	-89.87	-89.38	-88.90	-88.41	-87.92	-87.44	-86.95	-86.46	-85.98	-85.49	-85.00	-84.52
60	-84.03	-83.52	-83.00	-82.49	-81.98	-81.46	-80.95	-80.43	-79.92	-79.41	-78.89	-78.38
61	-77.86	-77.32	-76.78	-76.23	-75.69	-75.15	-74.60	-74.06	-73.51	-72.97	-72.43	-71.88
62	-71.34	-70.76	-70.18	-69.61	-69.03	-68.45	-67.88	-67.30	-66.72	-66.15	-65.57	-64.99
63	-64.42	-63.80	-63.19	-62.58	-61.97	-61.35	-60.74	-60.13	-59.51	-58.90	-58.29	-57.67
64	-57.06	-56.41	-55.75	-55.10	-54.45	-53.79	-53.14	-52.49	-51.83	-51.18	-50.53	-49.87
65	-49.22	-48.52	-47.82	-47.12	-46.42	-45.72	-45.02	-44.32	-43.62	-42.92	-42.22	-41.53
66	-40.83	-40.08	-39.32	-38.57	-37.82	-37.07	-36.32	-35.57	-34.82	-34.07	-33.32	-32.56
67	-31.81	-31.00	-30.19	-29.38	-28.57	-27.76	-26.95	-26.14	-25.33	-24.52	-23.70	-22.89
68	-22.08	-21.20	-20.32	-19.44	-18.56	-17.68	-16.80	-15.92	-15.04	-14.16	-13.28	-12.40
69	-11.52	-10.56	-9.60	-8.64	-7.68	-6.72	-5.76	-4.80	-3.84	-2.88	-1.92	-0.96

Sec. 2. NAC 616C.498 is hereby repealed.

TEXT OF REPEALED SECTION

616C.498 Eligibility to receive compensation in lump sum for injury incurred on or after July 1, 1995; installments. (NRS 616A.400, 616C.495)

1. An employee injured on or after July 1, 1995, but before January 1, 2016, who incurs a permanent partial disability that:

(a) Does not exceed 25 percent may elect to receive compensation in a lump sum.

(b) Exceeds 25 percent may:

(1) Elect to receive compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the injured employee elects to receive compensation in a lump sum pursuant to this subparagraph, the insurer shall pay in installments to the injured employee that portion of the injured employee's disability in excess of 25 percent.

(2) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for a disability of 30 percent, elect to receive compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the injured employee elects to receive compensation in a lump sum pursuant to this subparagraph, the

insurer shall pay in installments to the injured employee that portion of the injured employee's disability in excess of 30 percent.

2. An employee injured on or after January 1, 2016, who incurs a permanent partial disability that:

(a) Does not exceed 30 percent may elect to receive compensation in a lump sum.

(b) Exceeds 30 percent may elect to receive compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the injured employee elects to receive compensation in a lump sum pursuant to this paragraph, the insurer shall pay in installments to the injured employee that portion of the injured employee's disability in excess of 30 percent.