

**State Agency Requirements related to Heart/Lung Program
NRS 617.455 and 617.457**

Revised November 2009

NRS Chapter 617 requires that the employer (agency) pay for the cost of physical exams and diagnostic testing related to the heart and lung workers' compensation program.

NAC Chapter 617 requires the employer to schedule the appointment and to review the results of the exam with the employee.

The State Administrative Manual Section 0524 (Employee Medical Examinations) designates the Risk Management Division as the responsible agency to coordinate and oversee the heart/lung program and associated contracts.

The State Administrative Manual Section 0524 (Employee Medical Examinations/ Services) states "Each agency that is required to provide these exams must utilize the contracted providers, unless a waiver is granted by the Risk Management and Budget Divisions". This section also establishes that agencies must cooperate with the Risk Management Division in matters dealing with their employee's predisposing risk factors.

Each agency representative must return a "confirmation of receipt form" to Risk Management Division, within 60 days, for all letters forwarded to the employee via the agency designated representative from this Division's Health Program Specialist. These are letters providing follow up information and resources to employee's who have been ordered to correct a predisposing condition.

The contracted vendor (ARC Health and Wellness) is required to forward results of physical exams, limited to the forms required under NAC 617, to the agency for review. The vendor is required to place all back up data related to the physical exam in a confidential sealed envelope to be maintained in the employee's medical file and not opened or referred to unless a workers' compensation claim is filed. This process is in compliance with the workers' compensation regulations and any HIPPA issues. It has been determined that HIPPA is not intended to be a factor when a workers' compensation claim is filed.

Each agency must establish and implement procedures related to these physical exams and ensure the confidentiality of the physical exam results. Recommend procedures are available.

If an employee chooses to go to his or her own physician, in lieu of the contracted providers for these physicals, the agency must ensure that the following occurs:

- The employee's physician must complete the exact same paperwork and forms and perform the exact same diagnostic tests that are required of the contracted vendors. These forms must be provided, by the employee to the employer representative, who will then forward the packet to the contracted vendor for review to determine if all components have been completed. The annual physical is not considered complete until a contracted physician has reviewed it with the vendor.
- It is the employee's responsibility to pay for all costs associated with the required physical (with the exception of the review by the contracted vendor), if the employee chooses to go to their personal physician for the evaluation.
- The employee is informed that the physical exam will be considered incomplete if the employee's personal physician has not completed all of the proper tests and paperwork.