



# NEVADA WORKERS' COMPENSATION CHRONICLE

Department of Business & Industry  
A Publication of the Workers' Compensation Section

Division of Industrial Relations Spring Edition  
(March 2018 - May 2018)

This newsletter is not intended to provide legal advice to the reader. Legal opinions or interpretations of statutes and regulations referenced should be sought from legal professionals.

## Employer Educational Sweeps



The Workers' Compensation Section (WCS) is preparing to conduct Employer Educational Sweeps in mid-March targeting areas of the city where compliance continues to be an issue. With a growing economy and construction on the rise, the WCS Enforcement Compliance Unit is encountering an increase in non-compliance and uninsured

employer claims for workers' compensation. The goal of these Employer Educational Sweeps is for the WCS to educate employers on the statutory requirement for workers' compensation which will help to prevent costly uninsured employer claims and employer sanctions. The enforcement team canvases the target areas and provides door to door education on workers' compensation. The employer will then receive a grace period to get into compliance without penalties or sanctions. To date, over 840 Southern Nevada employers have been visited by the WCS enforcement team during the Employer Educational Sweeps.

Angelia Yllas  
Chief Compliance Audit Investigator  
Southern District Manager  
State of Nevada



WCS employees conducting sweeps throughout the Las Vegas, Valley

## MILEAGE REIMBURSEMENT CHANGE FOR 2018



Per NAC 616C.150, reimbursement for the cost of transportation for an injured employee, under appropriate conditions, must be computed at a rate equal to the mileage allowance for State employees.

Effective **January 1, 2018**, the standard mileage reimbursement rate to state employees for transportation costs incurred while using a private vehicle while traveling on official State business has increased from **53.5** to **54.5** cents per mile.

Please advise all adjusters as soon as possible to minimize any payment errors.



**OUR HENDERSON OFFICE WILL BE RELOCATING TO THE NEVADA STATE BUSINESS CENTER**  
3300 W. SAHARA AVENUE

**DATE TO BE ANNOUNCED SOON**

For updates, visit our website [www.dir.nv.gov/WCS/Home](http://www.dir.nv.gov/WCS/Home)

Inside this issue:	
Employer Educational Sweeps	1
Update to the Electronic Submission of Injury and Illness Records OSHA	2
Fraud Watch	3
Get The Facts Of Misclassification	4
Reporting Reminders	4
CARDS	5
Office Closures	5
Hails, Farewells and Promotions	6

# Robin Hoodie Project Update

During the holiday season WCS coordinated the Robin Hoodie Drive, a community outreach effort to collect 100 hoodie sweaters for Myrtle Tate Elementary School. Myrtle Tate is an at-risk elementary school with an impoverished population. Many of the students do not have sweaters or jackets on the playground or on their walk to and from school during the winter months. This year the Robin Hoodie Drive was a huge success. Our goal was exceeded, as we collected 147 new and gently used hoodies for our Myrtle Tate Elementary School buddies.

A special delivery for the hoodies was arranged with Santa and his helpers as an additional treat for the students. The highlight of the delivery was when Santa rolled in on a fire truck with horns and sirens blazing. Santa and his helpers greeted over 250 kindergartners and first graders with candy canes and fist pumps. The kids were truly elated and they could not believe Santa dumped his sleigh for a fire truck.

WCS is especially grateful to all of the DIR participants/volunteers, Santa and Nellis Air Force Base Fire Department for driving Santa and donating toys to a select group of Tate students who are currently homeless and/or experiencing hardship. Together we made a difference!

Angelia Yllas  
Chief Compliance Audit Investigator  
Southern District Manager



Myrtle Tate Elementary students waiting their turn to speak to Santa



Hoodies collected for the children of Myrtle Tate Elementary



WCS employees and Myrtle Tate staff pose with Mr. and Mrs. Claus

## Update to the Electronic Submission of Injury and Illness Records to OSHA

Employers can now begin to electronically report their Calendar Year (CY) 2017 Form 300A data to OSHA. All covered establishments must submit the information by July 1, 2018. Employers can view their submitted CY 2016 Form 300A summary information, but they cannot edit or submit additional 2016 data on this website. **Remember, not all establishments are covered by this requirement.** To review which establishments need to provide their 2017 data, go to: <https://www.osha.gov/recordkeeping/NAICScoresforelectronicsubmission.html>

Covered establishments with 250 or more employees are only required to provide their 2017 Form 300A Federal data. **OSHA is not accepting Form 300 and 301 information at this time.** OSHA announced that it will issue a notice of proposed rulemaking (NPRM) to reconsider, revise, or remove provisions of the "Improve Tracking of Workplace Injuries and Illnesses" final rule, including the collection of the Forms 300/301 data. The Agency is currently drafting that NPRM and will seek comment on those provisions.

**Stephen Rogers**

**SCATS-Program Coordinator**

Questions? Contact your local

Safety Consultation and Training Section (SCATS)


toll free at: 877.472.3368 or our website [www.4safenv.state.nv.us](http://www.4safenv.state.nv.us).



Ask the Advisors  
"Basic \Training Workshop"  
hosted by the  
Department of Taxation

The Department of Taxation hosts a basic training workshop for new and existing businesses in Nevada. This training workshop has been instrumental in providing information taxpayers need to know about how their account is handled within the Department of Taxation. The monthly workshop is a great place to learn about taxpayers' responsibilities, get answers to tax questions and learn about what to expect in the event of an audit.

In addition to the Taxation presentations, workshops include guest presentations by the Internal Revenue Service (IRS) on forms and reporting requirements; the State of Nevada Workers' Compensation Section Employer Compliance Unit on workers' compensation requirements; the Office of the State Treasurer on information regarding unclaimed property; and SCORE, a non-profit organization sponsored by the Small Business Administration, who will provide information on the free services and counseling they offer to businesses.

Anyone interested in attending a basic training workshop should contact the office of the Department of Taxation at (702) 486-2354 to make a reservation. 

<https://tax.nv.gov/uploadedFiles/taxnvgov/Content/Meetings/2018-ATA-Flyer.pdf>

Questions about Workers' Compensation?  
Click Here!



[WCSHelp@business.nv.gov](mailto:WCSHelp@business.nv.gov)



There's a saying in baseball about the inevitability of things going badly:

*'There are two kinds of batters; batters in a slump and batters who are going to be in a slump.'*

The same can be said about the insurance business; there are employers who have had workers who have been injured on the job and there are employers who will have workers injured on the job. Unfortunately, some of these claims will be fraudulent; and just as unfortunately, those case referrals will end up on my desk for prosecution. For the time that it happens, I'd like to give you a glimpse into the world of prosecuting workers' compensation fraud and what our office needs to win these cases.

We've all seen the various types of insurance fraud attempted by the occasional dishonest claimant. There is the individual who falsifies information about the incident itself. This individual files a claim for a slip and fall at the office on Monday, when he actually hurt his back playing ice hockey over the weekend. There is the individual who is working while he is drawing temporary total disability benefits. Finally there is the individual to whom we reverently refer to as the malingerer. As you could have guessed, this is by far the most difficult case to prove. It requires expert medical opinions and as we know, these are sometimes difficult to obtain.

Obviously, the first thing we will consider in a fraud case is a statement describing the alleged fraudulent activities. The crux of the case is the misrepresentation made by the claimant.

When referring a case of suspected workers' compensation fraud to the Attorney General's office, we should be provided with a copy of the entire claim file, accompanied by a signed and notarized custodian of records certificate. I'm sure this sounds like an unduly burdensome task, but in the long run, it will save everyone time and effort. In the event the case does end up going to court, we would need someone from the insurer to verify the authenticity of these records.

With notarization from a custodian of records, we can possibly avoid having to bring an individual from the insurer for that purpose.

*Robert G. Guinta, Director WCFU, Nevada Attorney General's Office*

This information and more can be found at the Office of Attorney General website.

[ag.nv.gov/About/Criminal\\_Justice/Workers\\_Comp/](http://ag.nv.gov/About/Criminal_Justice/Workers_Comp/)

If you suspect fraud, you may contact the Workers' Compensation Fraud Unit at :

Carson City Office:  
775-684-1100

Las Vegas Office:  
702-486-3420

Reno Office:  
775-687-2100



## GET THE FACTS ON MISCLASSIFICATION EMPLOYEE OR INDEPENDENT CONTRACTOR



Occasionally employers incorrectly consider the workers as independent contractors when in fact they are employees. As an employer it is your responsibility to know if your workers are employees or independent contractors. As an employee, if you are misclassified as an independent contractor your employer may not have appropriate workers' comp coverage for you. Most of the time it is a misunderstanding of the regulations and statutes that

cause this misclassification. This article is a short synopsis of the more common reasons we encounter causing the confusion.

There are numerous reasons we encounter misclassified employees. Sometimes it is a matter of not knowing the law and mistakes are made. Let's look at some of the common reasons we see misclassification. Because the employee works offsite with flexible in work hours does not classify them as an independent contractor. Signing an independent contract agreement and receiving a 1099 does not classify someone as an independent contractor. Being paid by cash or check, on the books or off, also does not determine the status of an employee. Another important point to remember is that tax law, federal employment law and Nevada's workers' compensation laws don't always align when considering the classifying of an employee. Having an employee identification number (EIN), operating a franchise, or performing services as an LLC does not automatically classify someone as an independent contractor.

In addition to those remember that in some industries where a good portion of the employees are independent contractors does not automatically make everyone an independent contractors. If an employee is misclassified as an independent contractor, the losses for the employee and employer can be quite significant. For example, the employer can be assessed an administrative fine up to \$15,000, a premium penalty and ordered to close the business until insurance is obtained. If an uninsured employee is injured the business will be held financially responsible for ALL costs arising from a work-related injury. In addition, you may be subject to criminal prosecution for claims resulting in substantial bodily harm or death (NRS 616D.200 & NAC 616D.345)

It is important for an employer to know the laws regarding Nevada workers' compensation before hiring. In addition to the items listed above you can refer to the Nevada Revised Statutes NRS 616A.115 through 616A.320. These statutes provide more specific clarification of the employee/independent contractor definitions. The definition of "independent enterprises" located in NRS 616B.603 which can help clarify the "employee or independent contractor" question.

Jacqui Bohemier

Northern Nevada Enforcement Supervisor

# REPORTING REMINDERS



- The **FY17 WCS Workers' Compensation Claims Activity Report** pursuant to NRS 616B.009 and NAC 616B.016 was requested via email to insurers and TPAs on February 12, 2018 and is due no later than March 30, 2018. Forms and instructions can be found on our website at [http://dir.nv.gov/WCS/Insurer-TPA\\_Reporting/](http://dir.nv.gov/WCS/Insurer-TPA_Reporting/). NOTE: The **Insurer Information Form** is no longer part of this data call. See "**Insurer Information Form**" below.
- The **TPA FY17 Claims Handled Data** call was due January 31, 2018. TPAs were sent emails in early January that included a blank table for submitting this data. The email also outlined the annual requirement to complete and submit the **TPA Information Form** in the CARDS portal. TPAs not submitting the **FY17 Claims Handled Data** or the **TPA Information Form** (in the CARDS portal) should do so immediately or face possible administrative fines.
- The **Insurer Information Form** is available only in our CARDS web portal and must be completed within 30 days of any changes and reviewed and submitted at least once annually. Watch for an email coming soon to insurers outlining the annual requirement to submit the form in the portal.
- The **Occupational Disease Claim Report Statement of Inactivity (OD-8)** for calendar year 2017 was due January 5, 2018 for insurers with no reportable claims in 2017 pursuant to NRS 617.357. Ongoing **OD-8** reporting requirements can be found on our website at [http://dir.nv.gov/WCS/Insurer-TPA\\_Reporting/](http://dir.nv.gov/WCS/Insurer-TPA_Reporting/). Don't forget to submit all required updates to reportable claims including appeals, closures and reopening's.
- **Proof of Coverage (POC):** Private carriers must also report information to NCCI within 15 days of the effective date of the issuance, renewal, cancellation, nonrenewal, reinstatement or reissuance of a policy of workers' compensation insurance.

Information on reporting requirements and forms can be found on our Web site at <http://dir.nv.gov/WCS/Home/> under "Insurer and TPA Reporting" or go directly to our page at [http://dir.nv.gov/WCS/Insurer-TPA\\_Reporting/](http://dir.nv.gov/WCS/Insurer-TPA_Reporting/). Contact the WCS Research and Analysis Unit by phone at (702) 486-9080 or by email at [wcsra@business.nv.gov](mailto:wcsra@business.nv.gov) if we can be of any assistance.

# CARDS

## Claims and Regulatory Data System

You've probably heard us talking a lot about our new IT System, CARDS. But what's all the buzz about?

### What Is CARDS?

CARDS, which stands for Claims and Regulatory Data System, is the custom-built system for use by Workers' Compensation Section (WCS) staff as well as our stakeholders, Insurers and TPAs.

### Why Should an Insurer or TPA Use CARDS?

**It's mandatory!** Certain required reporting, such as the Insurer and TPA Information Forms, can only be submitted via the CARDS web portal. Failure to submit the reports may result in administrative fines.

### How Does WCS Use CARDS?

Workers' Compensation staff use CARDS to manage their workload - maintain cases, track investigations and audits, issue determinations, and collect fines and penalties - all in one system. This allows staff to efficiently share information and maintain accurate records. Information on Insurers, TPAs and medical providers are housed in CARDS, such as license information, license status information, Insurer-TPA relationships and contact information. The system allows WCS staff to connect employers, insurers, TPAs, claimants and medical providers.

### Who Can Use CARDS?

Other than internal WCS/DIR staff, only users authorized by Insurers and TPAs can access CARDS. The portal requires users to be "invited" to set up an account by an insurer or TPA. Each Insurer and TPA is required to have up to two "Account Administrators" who are responsible for inviting users and granting permissions within the system. Account Administrators are approved and set up by WCS staff.

### How Do I Access CARDS?

CARDS is found at <https://cards.nv.gov>. Anyone can create an account on the login page but will not have access to the portal functions unless they are invited by an Insurer or TPA Account Administrator. Users that are affiliated with more than one Insurer only need one account to access all affiliated entities, provided they have been granted such permissions by the Account Administrator(s).

### What Can an Insurer or TPA Do in CARDS?

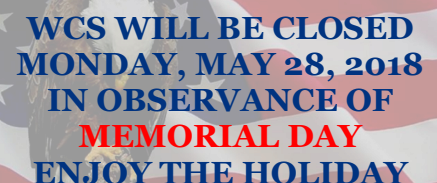
- **Keep contact info current:** log in and update key staff, address, phone and fax numbers. No need to send a letter - do it online! The *Insurer Information Form* and *TPA Information Form* are web forms and after the first submission, all submitted information is saved. Just login and update. Keeping contacts current ensures the correct people receive data call notices and other important WCS notifications and correspondence.
- **Submit D-38s (Claims Indexing):** This is a very popular feature in CARDS. All claims are required to be reported to Workers' Compensation Section pursuant to NRS 616B.018. CARDS offers an easy-to-use web form to comply with this requirement. (A [flat file](#) format is also an option.) Once a claim is submitted and WCS staff process it, required updates are as easy as retrieving the claim in the system and entering new/updated information.
- **Insurers "link" their contracted TPAs,** including contract start and end dates, using the *Insurer Information Form*. Once TPAs are linked, Insurers can even give them permissions to submit D-38's on their behalf. "Linking" your TPAs is important for private carriers as this information is linked/connected to our coverage verification service (CVS) on our public web page. When someone finds coverage on the CVS page for an employer, and the insurance company is displayed, the "Click here for claim processing information" link is connected to CARDS to display the linked TPAs and/or claims office information.
- **Run Reports:** Industry reports are available such as claim denial, average cost per claim, etc. Keep in mind the reports are only as good as the data submitted via the D-38 by the stakeholders!

For more information on CARDS, visit our web site at <http://dir.nv.gov/WCS/cards/> or contact *Stephanie Canter, CARDS Project Manager*, at [CARDS@business.nv.gov](mailto:CARDS@business.nv.gov) or 702-486-9091.

#### WCS MISSION STATEMENT

The purpose of the Workers' Compensation Section is to impartially serve the interests of Nevada employers and employees by providing assistance, information, and a fair and consistent regulatory structure focused on:

**Ensuring the timely and accurate delivery of workers' compensation benefits.**



**WCS WILL BE CLOSED  
MONDAY, MAY 28, 2018  
IN OBSERVANCE OF  
MEMORIAL DAY  
ENJOY THE HOLIDAY**

# Training Sessions

## SOUTHERN NEVADA

1301 North Green Valley Parkway  
Suite 200, Henderson, Nevada 89074

✉ [krissi.garcia@business.nv.gov](mailto:krissi.garcia@business.nv.gov)

☎ (702) 486-9105

## NORTHERN NEVADA

400 West King Street  
Suite 400, Carson City, Nevada 89703

✉ [kawilliams@business.nv.gov](mailto:kawilliams@business.nv.gov)

☎ (775) 684-7265



### **C-4 Processing & CVS**

4/11/2018 at 9:30 am

### **Medical Billing**

4/11/2018 at 1:30 pm

### **WCS Basic Orientation**

4/12/2018 at 9:30 am and 1:30 pm

Direct comments or suggestions  
about this newsletter to:

Workers' Compensation Section  
Henderson Office

*Ruth Ryan, Editor*

*Krissi Garcia, Assistant Editor*

(702) 486-9019

[rryan@business.nv.gov](mailto:rryan@business.nv.gov)

[Krissi.garcia@business.nv.gov](mailto:Krissi.garcia@business.nv.gov)



## **CONTACT WCS**

Department of  
Business and Industry  
Division of Industrial Relations  
Workers' Compensation Section

### **SOUTHERN NEVADA**

☎ (702) 486-9080 / Fax: (702) 990-0364

### **NORTHERN NEVADA**

☎ (775) 684-7270 / Fax: (775) 687-6305

<http://dir.nv.gov/WCS/Home/>

[WCSHelp@business.nv.gov](mailto:WCSHelp@business.nv.gov)

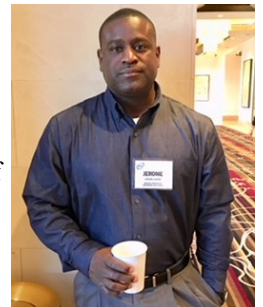
# Hails, Farewells and Promotions



A big welcome to **Austin Salinas**, a new addition to the WCS Henderson staff as an Administrative Assistant II. Born and raised in Las Vegas, Austin has worked as an assistant for various companies for over 10 years. He looks forward to working for the Workers' Compensation Section and grow in his current position so he can better serve the State of Nevada. Austin currently holds an Associates in Business and is currently back in school for an Associates in Computer and Information Technology: Software Programming. When not at work or doing homework, he enjoys staying at home with his wife and two sons. Other hobbies include video games, MMA,

pro wrestling and long walks on the beach under a star lit sky. "I actually do enjoy those walks."

**Jerome Carter** comes to the State of Nevada WCS Henderson Enforcement Unit from Denver, CO where he served as a Compliance Officer with the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP). Jerome also served on active duty in the U.S. Air Force prior to retiring at rank of Master Sergeant, in July 2007. Jerome spent much of his career working in Equal Employment Opportunity as an investigator and mediator in the federal sector for the Department of Defense and Department of Commerce. His hobbies include motorcycling, listening to everything from hip hop to jazz as well as coaching football. He is a native of Houston, TX.



**Danielle Barnes** is the newest addition to WCS Henderson Medical Unit. Originally from Sacramento, California, where she began her career at the State of California – Franchise Tax Board from 2009-2013 specializing with Compliance in high profile cases (athletes, performers, members of congress, etc.) She moved to Las Vegas in 2013 where she has previously worked in a variety of state agencies. Her most current job was in the healthcare field with Southern Hills Hospital where she specialized in patient care, medical coding, workers' comp and outpatient registration. She is in the process of completing her prerequisites for the RN program at CSN. In her spare time, she

spends time with her 10 year old daughter who is a competitive cheerleader and tumbler. Danielle recently became engaged and plans to wed Feb 1<sup>st</sup>, 2019. She also enjoys traveling to new places.

# SAVE THE DATE

*8th Annual*

## WORKERS' COMPENSATION EDUCATIONAL CONFERENCE

Thursday, August 23, 2018 and

Friday, August 24, 2018

Las Vegas, Nevada

More details about workshops, speakers and how to register will be coming soon.

