Workers' Compensation

FREQUENTLY ASKED QUESTIONS – INJURED WORKERS

It is important that the injured employee retain and store in a safe place all copies of documents and forms relating to his workers' compensation claim; as well as, retain documentation of names of people spoken to, dates and content of conversations regarding his case. The information may be needed to reopen your claim at a later date; or as evidence at a hearing or an appeal.

I was injured at work, now what do I do?

In the event of a serious injury, you should go directly to the nearest emergency room for treatment.

Immediately notify your employer/supervisor of the injury or at the onset of an occupational disease and ask to fill out a *Form C-1, Notice of Injury or Occupational Disease – Incident Report*. Fill out the C-1 completely, sign and date it. The employer/supervisor shall then sign and date the C-1. You have 7 days to complete the form.

You may or may not need to seek medical treatment. Seek medical treatment if appropriate.

How do I file a claim for workers' compensation?

The actual workers' compensation claim begins with the completion of the *Form C-4, Employee's Claim for Compensation/Report of Initial Treatment*. The C-4 is supplied by the medical provider at the time of initial treatment.

You need to fill out the top portion completely; including the **correct** name, **correct** address and **correct** phone number of your **actual** employer, the date of injury and your contact information. Missing, incomplete or inaccurate information will delay the process; i.e., Joe Smith is not your employer, JAS is not your employer, Joe's Auto Shop is your employer.

You will then sign and date the C-4. The medical provider will complete the bottom portion and the treating physician or chiropractor will sign and date the C-4. The medical provider has 3 working days from the date of treatment to forward the C-4 to the **correct** insurer/TPA and to the **correct** employer. The C-4 is not valid until both parties have signed and dated it. **There is no claim until a Form C-4 has been completed and filed with the correct claims administrator.**

How long do I have to file a claim?

You have **90 days** from the date of injury or knowledge of the onset of an occupational disease to file a workers' compensation claim.

Can I go to a physician or chiropractor of my choosing?

No. You must go to an authorized medical provider who is a member of the Panel of Treating Physicians and Chiropractors.

For less serious injuries, you should seek treatment from an authorized medical provider chosen from your employer's MCO, HMO, or preferred provider list. To determine the correct medical provider, ask your

employer/supervisor or look at the *Form D-1, Brief Description of Your Rights and Benefits* poster which should be located in a common area such as an employee break room or next to the time clock.

In the event of a serious injury, you should go directly to the nearest emergency room for treatment.

How do I find out who is handling my claim?

To determine who is handling your claim, check the claim acceptance or denial letter that you may have already received. Or, ask your employer and check the D-1 poster located at your workplace.

The WCS website has a link to the Coverage Verification Service http://dirweb.state.nv.us/WCS/cvs.htm, where you may search by your employer's name for coverage. The Division of Insurance website http://doi.state.nv.us has a list of self-insured employers and those employers covered under associations. If you are still unable to determine who is handling your claim call WCS: Southern Nevada (702) 486-9080, Northern Nevada (775) 684-7270.

How long does it take before I find out if my claim has been accepted?

The insurer or their claims administrator has 30 days after receipt of accident notification (Form C-4) to accept and begin payment on the claim, or deny the claim and notify you or your representative of the denial. Claim denials must include your appeal rights.

My employer is refusing to allow me to file a workers' compensation claim, can he do that?

No. It is up to the insurer to accept or to deny a claim for compensation. An employer may never induce nor coerce an injured employee to avoid seeking treatment.

My employer does not have workers' compensation coverage, now what do I do?

Seek medical treatment and complete a Form C-4, but tell the medical staff that your employer may not have coverage. WCS will investigate and, later, inform you of your options, which include the full range of workers' compensation benefits paid for by Nevada's Uninsured Employer Account.

I was injured at work, then my employer fired me, can he do that?

Nevada is an "employment-at-will" state. You may be terminated at any time, without any reason. However, you may not be fired solely for filing a workers' compensation claim.

How do I report workers' compensation fraud?

The Attorney General's Workers' Compensation Fraud Unit investigates allegations related to claimant, employer, and provider fraud on behalf of the State and self-insured employers. This unit is also generally responsible for the investigation of any fraud related to the administration of workers' compensation. Report suspected fraud to the AG Fraud Hotline: 1-800-266-8688. More information for detecting possible fraud is available on their website at: http://ag.nv.gov/About/Criminal_Justice/Workers_comp/

Do I have the right to reopen my claim in the future?

NRS 616C.390 details the requirements, procedure and limitations of claim reopening. Also, the Nevada Attorney for Injured Workers has compiled helpful suggestions for claim reopening: http://naiw.nv.gov/Reopening/index.html

Must an injured worker accept the offer of a light duty job?

An injured worker who rejects a light duty offer made in accordance with NRS 616C.475 and NAC 616C.583 risks the discontinuation of lost time compensation.

Are illegal immigrant workers covered under Nevada's workers' compensation statutes?

Yes. According to NRS 616A.105, "employee and workman are used interchangeably … and mean every person in service of an employer … whether lawfully or unlawfully employed" including "aliens." However, illegal aliens are not eligible for vocational rehabilitation.

What types of benefits may injured employees be entitled to?

Benefits may include:

- Medical treatment;
- Lost time compensation (TTD/TPD);
- Permanent Partial Disability (PPD);
- Permanent Total Disability (PTD);
- Vocational Rehabilitation;
- Dependent's payments in the event of death; and
- Other claims-related benefits or expenses (i.e., mileage)

What should I do if I think that my claim is not being handled properly pursuant to NRS and NAC?

Begin by discussing the claim with your supervisor. If you still have questions, contact your claims adjuster. If you continue to feel your concerns are not being addressed, contact the DIR/WCS for assistance. Also, state law requires all insurers to provide appeal rights to the Department of Administration, Hearings Division, which was established to resolve claim disputes. If you disagree with a claim determination, you may appeal the decision to the Hearing Officer within 70 days from the date of the insurer's determination or to the Appeals Officer within 30 days of a Managed Care Organization's determination. If you still have questions, contact the Nevada Attorney for Injured Workers (NAIW) naiw@naiw.gov to help you understand the procedure.

How do I file a complaint?

To file a complaint you can go to the "Injured Employees' Page" on the WCS website: http://dirweb.state.nv.us/WCS/wcs.htm and print a copy of the complaint form. The form you use will depend on where your claims administrator is located in Nevada. If, for example, your claims administrator is located in Reno, use the Northern Complaint Form; if they are located in Las Vegas, use the Southern Complaint From.

What other resources do I have?

You can contact the Office of the Governor Consumer Health Assistance: (888) 333-1597 or http://govcha.state.nv.us/ with any questions you may have. You may also contact an attorney of your choice or the Nevada Attorney for Injured Workers: (702) 486-2830, (775) 684-7555 or http://naiw.nv.gov/index.html

What should I do if my question isn't listed here?

Use the following link to email your questions to the WCS: WCSHelp@business.nv.gov or call the Workers' Compensation Section: Southern Nevada (702) 486-9080, Northern Nevada (775) 684-7270.