

**2016
Occupational Disease Claims Report
NRS 617.357**



Prepared By:

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

February 2017

BACKGROUND:

The 2001 Nevada Legislature passed Assembly Bill 345 (AB 345), creating Nevada Revised Statutes (NRS) 617.357, which required workers' compensation insurers to submit to the Administrator of the Division of Industrial Relations (DIR), a written report concerning each claim for an occupational disease of the heart or lungs or any occupational disease that is infectious or relates to cancer. Insurers were also required to provide updates on certain activities relating to those claims. This statute became effective July 1, 2001. In addition to setting forth occupational disease claim reporting requirements for insurers, NRS 617.357 required the DIR to prepare and make available to the public a report (*Occupational Disease Claim Report*) containing the information submitted by insurers during the preceding calendar year.

The 2013 Nevada Legislature amended NRS 617.357 by passing Assembly Bill 11 (AB 11) which limited the scope of reportable claims under the statute to only those in which the injured worker was a firefighter, police officer, arson investigator or emergency medical attendant and to those claims filed pursuant to NRS 617.453, 617.455, 617.457, 617.481, 617.485 or 617.487. The amendment became effective on May 24, 2013. To ensure data continuity for the calendar year 2013 *Occupational Disease Claim Report* and to allow time for insurer notification, revisions to the OD-8 form, and database transitioning, the DIR Workers' Compensation Section (WCS) implemented AB 11 on January 1, 2014.

The 2013 *Occupational Disease Claim Report* was the final report of pre-AB 11 data reported pursuant to NRS 617.357. In that report, a total of 6,451 claims had been reported since the effective date of NRS 617.357 (July 1, 2001). (*Reports for calendar years 2001 through 2014 are available upon request.*)

This report - *The 2016 Occupational Disease Claim Report* - represents a "snapshot" as of December 31, 2016 of post-AB 11 data.

OCCUPATIONAL DISEASE CLAIM DATA

In 2016, 570 claims were reported pursuant to NRS 617.357. Insurers and third-party administrators provided updated information for 44 of these claims. An additional 19 updates were reported on claims initially reported in 2014 or 2015. Updates are required when a claim is appealed, a hearing or appeals decision affirming, modifying, or reversing a claim acceptance or denial is rendered, or the claim is closed or reopened.

Calendar Year	# of Claims Reported	# of Insurers w/Reported Claims	# of Employers w/Reported Claims
2014	349	20	47
2015	403	20	35
2016	570	16	39

Insurer Type:

A breakdown of claims reported by insurer type (i.e. self-insured employers, associations of self-insured employers, and private carriers) is shown below.

Calendar Year	Associations	Self-Insured Employers	Private Carriers	Uninsured	Total
2014	1	11	8	0	20
2015	1	12	6	0	19
2016	1	10	5	0	16

Claimant Type:

NRS 617.357 specifies the four (4) types of claimants for which claims may be reportable: firefighters, police officers, arson investigators and emergency medical attendants. Below is a breakdown of the number of claims reported from 2014 through 2016 by claimant type.

Calendar Year	Firefighters	Police Officers	Arson Investigators	Emergency Medical Attendants
2014	22	222	0	105
2015	50	193	0	160
2016	54	287	0	229

Claim Type:

NRS 617.357 requires insurers to report claims that are filed pursuant to NRS 616.453, 617.455, 617.457, 617.481, 617.485 and 617.487 for the 4 types of claimants. The table below shows the distribution of claims reported in 2016 for the applicable cross-sections of claimant type and claim type.

Claim Type	Firefighters	Police Officers	Arson Investigators	Emergency Medical Attendants	Totals
Cancer NRS 617.453	13	N/A	N/A	N/A	13
Lung Disease NRS 617.455	13	33	0	N/A	46
Heart Disease NRS 617.457	20	106	0	N/A	126
Certain Contagious Diseases NRS 617.481	8	146	0	92	246
Hepatitis NRS 617.485	0	1	N/A	137	138
Hepatitis NRS 617.487	N/A	1	N/A	N/A	1
Totals	54	287	0	229	570

Claim Disposition:

Insurers are required to accept (commence payment of) or deny a workers' compensation claim within 30 days of receipt of the claim. Claims meeting the criteria under NRS 617.357 become reportable to DIR within 30 days of acceptance or denial. Insurers may deny a claim and later accept the claim after a medical investigation has concluded. Claim denials are also appealable by the injured worker and may be upheld or reversed by a hearing officer. The following is a breakdown of the initial determinations by insurers for claims reported in 2016:

Insurer Type	Total Claims	Accepted	Denied	Acceptance Rate	Denial Rate
Associations	5	4	1	80%	20%
Self-Insured Employers	444	234	210	52.7%	47.3%
Private Carriers	121	85	36	70.2%	29.8%
Uninsured	0	0	0	-	-
Overall	570	323	247	56.7%	43.3%

Denied Claims:

The OD-8 form provides insurers and/or third-party administrators a choice of seven (7) reasons for a claim denial. The following is a breakdown by denial reason of claims reported in 2014 through 2016:

	1 - Pending Medical Investigation	2 - Negative Test/No Exposure	3 - Not in course and scope of employment	4 - Not compensable/No disease	5 - Late reporting	6 - Failure to correct predisposing condition	7 - Misc	Total
2014	8	7	5	142	0	2	0	164
2015	24	10	3	118	4	6	6	171
2016	19	89	6	122	1	6	4	247

Appealed Claims:

Initial and Subsequent Appeals

A *claimant* may appeal an insurer’s decision to deny his or her claim. Depending on the outcome of the initial appeal, subsequent appeals of hearing determinations may be filed by *the claimant, the insurer or the employer*. An insurer or employer may appeal a hearing officer’s decision to reverse the insurer’s initial denial of the claim. A claimant may appeal a hearing officer’s decision to uphold an insurer’s initial denial of the claim. Below is a breakdown of the appeals filed on reported claims.

Calendar Year	Initial Appeals	Subsequent Appeals		Totals
		2nd	3rd	
2014	9	1	0	10
2015	7	1	0	8
2016	2	0	0	2

Appeal Resolutions

Appeals may result in hearings; and hearings result in decisions and orders. The outcome of an appeal can result in several generalized categories: affirmed, reversed, remanded, modified, dismissed or stipulation.

Initial Appeals

The chart below shows the outcomes of the 9 appeals of insurers’ initial determinations filed in 2014. All 9 appeals were filed by claimants for claim denials.

2014	Denial Affirmed	Denial Reversed	Remanded	Modified	Dismissed	Stipulation	Pending
Associations	0	0	0	0	0	0	0
Self-Employed Insurers	2	0	3	0	2	0	0
Private Carriers	1	0	1	0	0	0	0
Uninsured	-	-	-	-	-	-	-
Total	3	0	4	0	2	0	0

The chart below shows the outcomes of the 7 appeals of insurers' initial determinations filed in 2015. All 7 appeals were filed by claimants for claim denials. Two (2) appeals are still pending.

2015	Denial Affirmed	Denial Reversed	Remanded	Modified	Dismissed	Stipulation	Pending
Associations	0	0	0	0	0	0	0
Self-Employed Insurers	2	1	0	1	0	0	2
Private Carriers	0	0	0	0	0	1	0
Uninsured	-	-	-	-	-	-	-
Total	2	1	0	1	0	1	2

The chart below shows the outcomes of the 2 appeals of insurers' initial determinations filed in 2016. Both appeals were filed by claimants for claim denials:

2016	Denial Affirmed	Denial Reversed	Remanded	Modified	Dismissed	Stipulation	Pending
Associations	0	0	0	0	0	0	0
Self-Employed Insurers	1	0	0	0	0	0	0
Private Carriers	0	1	0	0	0	0	0
Uninsured	-	-	-	-	-	-	-
Total	1	1	0	0	0	0	0

Subsequent Appeals

As stated earlier, subsequent appeals may be filed by insurers, employers or claimants, depending on the nature of the appeal. There was one subsequent appeal in 2014 that is still pending. There was one subsequent appeal reported in 2015, which resulted in a stipulation; however, the denial decision stands. There were no subsequent appeals reported in 2016.

Exposure versus Confirmed Diagnosis:

A claim for a reportable condition listed in NRS 617.357 may first present itself in the form of exposure to an occupational disease. Depending on the nature of the disease, it may be months before a diagnosis is made. Of the 570 claims reported in 2016, a confirmed diagnosis was reported for 9 claims, whereas 169 claims were reported to have not obtained a confirmed diagnosis.

Estimated Medical Costs:

The following table shows the reported estimated medical costs for accepted claims reported in 2014 through 2016. Costs incurred for claims that are ultimately denied, such as medical investigations and testing, are not considered claims costs pursuant to NAC 616B.707(2)(g).

Calendar Year	# of Accepted Claims	Total Est. Medical Costs	Ave. Est. Medical Cost/Claim
2014	185	\$1,058,275	\$ 5,720
2015	232	\$ 966,132	\$ 4,164
2016	323	\$ 1,384,993	\$ 4,288

Claim Status:

Of the 570 claims reported in 2016, insurers identified 110 as closed or having been closed at some time since their inception. None of the 110 claims that were reported as closed have been reopened as of December 31, 2016.

Of the 1,322 claims reported through from January 1, 2014 through December 31, 2016, insurers identified 362 as closed or having been closed at some time since their inception. None of the 362 claims that were reported as closed have been reopened as of the end of 2016.

SUMMARY

Data Limitations:

The information presented in this report represents the data supplied by insurers and third-party administrators. The following limitations may be considered when reviewing this data:

- It should be noted that acceptance and denial rates may reveal as much about an insurer's internal procedure to claims handling as it does on the insurer's assessment of a claim's validity. For example, one insurer may accept all claims where there is a valid exposure, whether or not a confirmed diagnosis is obtained, while another may only accept claims where a confirmed diagnosis is reached. Workers' compensation law accepts both approaches.
- Reporting inconsistencies can occur when claims are transferred from one insurer or third-party administrator to another or when there is employee turnover, because insurers and/or claims adjusters may differ in their interpretation of a reportable claim.
- Reporting inconsistencies can occur for other reasons, as well. For example, an incident that results in a reportable claim may include aspects of both an occupational disease and an injury sustained out of the incident. The data reported for this type of "combination" claim, which is reportable due to the occupational disease aspects, may include the injury-related portion of the claim. For instance, reported medical costs may be inflated because they include costs associated with the injury portion of the claim. Similarly, insurers may be reporting appeals and hearing data that may only be applicable to the injury portion of the claim.

DIR Initiatives:

- On September 7, 2005, the **OD-8, Occupational Disease Claim Report** form was formally adopted by regulation. The form was updated in 2006 to accommodate the additional Nature of Injury code for Hepatitis C, as referenced in prior reports.
- The OD-8 form was modified to reflect the reporting criteria found in Assembly Bill 11 (AB 11) from the 2013 Nevada Legislature. The modified OD-8 was implemented on January 1, 2014.
- The DIR/WCS web site has been updated to reflect the modified OD-8 form, with an explanation of the changes in reporting requirements. Electronic communications were sent to insurers and third-party administrators to further explain and bring the changes to their attention.
- The WCS quarterly newsletter, the *Nevada Workers' Compensation Chronicle*, includes reporting reminders regarding this statutory requirement to report occupational disease claims pursuant to NRS 617.357.
- The WCS also asks insurers to file a "Statement of Inactivity" for the calendar year if the insurer had no valid claims to report pursuant to NRS 617.357. In this way, WCS has a feel for how many insurers are aware of the requirement to report, but have no claims to report meeting the criteria. If an insurer reports no claims during the year and does not file a Statement of Inactivity for that year, it might be an indication that the insurer is unaware of the requirement to report and WCS can reach out to that insurer.

Attachments:

- 1. NRS 617.357 – as amended by AB 11 (2013) effective 5/24/13**
- 2. OD-8 Form – effective 1/1/14**
- 3. OD-8 Form Reporting Requirements – effective 1/1/14**

NRS 617.357 Certain claims regarding cancer, lung or heart diseases, certain contagious diseases or hepatitis: Reports by insurers to Administrator; public reports by Administrator.

1. Each insurer shall submit to the Administrator a written report concerning each claim for compensation in which the claimant is a firefighter, police officer, arson investigator or emergency medical attendant that is filed with the insurer pursuant to [NRS 617.453](#), [617.455](#), [617.457](#), [617.481](#), [617.485](#) or [617.487](#). The written report must be submitted to the Administrator within 30 days after the insurer accepts or denies the claim pursuant to [NRS 617.356](#) and must include:

- (a) A statement specifying the nature of the claim;
- (b) A statement indicating whether the insurer accepted or denied the claim and the reasons for the acceptance or denial;
- (c) A statement indicating the estimated medical costs for the claim; and
- (d) Any other information required by the Administrator.

2. If a claim specified in subsection 1 is appealed or affirmed, modified or reversed on appeal, or is closed or reopened, the insurer shall notify the Administrator of that fact in writing within 30 days after the claim is appealed, affirmed, modified, reversed, closed or reopened.

3. On or before February 1 of each year, the Administrator shall prepare and make available to the general public a written report concerning claims specified in subsection 1. The written report must include:

- (a) The information submitted to the Administrator by an insurer pursuant to this section during the immediately preceding year; and
- (b) Any other information concerning those claims required by the Administrator.

4. As used in this section, the term "police officer" includes a peace officer as that term is defined in subsection 3 of [NRS 289.010](#).

(Added to NRS by [2001, 828](#); A [2013, 344](#))

OCCUPATIONAL DISEASE CLAIM REPORT (NRS 617.357)

Submit within 30 days of acceptance/denial and any changes to the claim – **PART 1**
Submit within 30 days of appeal, closure, reopening, or confirmed diagnosis – **PARTS 1 & 2**

PART 1

Insurer Name: _____			
Insurer FEIN: _____			
Insurer Certificate Number: _____			
Claim Number: _____			
Claimant's Employer: _____			
<input type="checkbox"/> Insurer <input type="checkbox"/> TPA	Submitted by: _____		
	Company: _____		
	Address: _____	City: _____	State: _____
	Telephone: _____	Email: _____	Zip: _____

Date of Injury: _____			
Date Claim (C-4) Received by Insurer/TPA: _____			
Claim Disposition: <input type="checkbox"/> Accepted <input type="checkbox"/> Denied			
Date Accepted/Denied: _____			
Reason for Denial:	<input type="checkbox"/> 1-Pending medical investigation <input type="checkbox"/> 2-Negative test/no exposure <input type="checkbox"/> 3-Not in course/scope <input type="checkbox"/> 4-Not compensable/no disease <input type="checkbox"/> 5-Late reporting <input type="checkbox"/> 6-Failure to correct predisposing condition <input type="checkbox"/> 7-Misc (duplicate claim, wrong insurer/uninsured, etc)		

Estimated Medical Costs of Claim: \$ _____
Description of Claim: _____

CLAIMANT (Choose one) & CLAIM ACCEPTED/DENIED PURSUANT TO NRS (Choose one):

<input type="checkbox"/> FIREFIGHTER <input type="checkbox"/> NRS 617.453 CANCER <input type="checkbox"/> NRS 617.455 LUNG DISEASE <input type="checkbox"/> NRS 617.457 HEART DISEASE <input type="checkbox"/> NRS 617.481 CERTAIN CONTAGIOUS DISEASES <input type="checkbox"/> NRS 617.485 HEPATITIS <input type="checkbox"/> ARSON INVESTIGATOR <input type="checkbox"/> NRS 617.455 LUNG DISEASE <input type="checkbox"/> NRS 617.457 HEART DISEASE <input type="checkbox"/> NRS 617.481 CERTAIN CONTAGIOUS DISEASES	<input type="checkbox"/> POLICE OFFICER (PEACE OFFICERS PER NRS 289.010 INCLUDED) <input type="checkbox"/> NRS 617.455 LUNG DISEASE <input type="checkbox"/> NRS 617.457 HEART DISEASE <input type="checkbox"/> NRS 617.481 CERTAIN CONTAGIOUS DISEASES <input type="checkbox"/> NRS 617.485 HEPATITIS <input type="checkbox"/> NRS 617.487 HEPATITIS <input type="checkbox"/> EMERGENCY MEDICAL ATTENDANT <input type="checkbox"/> NRS 617.481 CERTAIN CONTAGIOUS DISEASES <input type="checkbox"/> NRS 617.485 HEPATITIS
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PART 2

INITIAL APPEAL OF: <input type="checkbox"/> CLAIM DENIAL <input type="checkbox"/> CLAIM ACCEPTANCE	
Appealed by: <input type="checkbox"/> Claimant/Dependent/Representative <input type="checkbox"/> Employer/Insurer	
Date Appeal Filed: _____	
Hearing Date: _____	
Decision: <input checked="" type="checkbox"/> Affirmed <input type="checkbox"/> Reversed <input type="checkbox"/> Remanded <input type="checkbox"/> Modified <input type="checkbox"/> Dismissed <input type="checkbox"/> Stip (Explain):	
Decision Date: _____	Decision by: <input type="checkbox"/> Hearing Officer <input type="checkbox"/> Appeals Officer
SUBSEQUENT APPEAL OF DECISION BY: <input type="checkbox"/> HO <input type="checkbox"/> AO <input type="checkbox"/> DC	
Appealed by: <input type="checkbox"/> Claimant/Dependent/Representative <input type="checkbox"/> Employer/Insurer	
Date Appeal Filed: _____	
Hearing Date: _____	
Decision: <input type="checkbox"/> Affirmed <input type="checkbox"/> Reversed <input type="checkbox"/> Remanded <input type="checkbox"/> Modified <input type="checkbox"/> Dismissed <input type="checkbox"/> Stip (Explain):	
Decision Date: _____	Decision by: <input type="checkbox"/> Appeals Officer <input type="checkbox"/> District Court <input type="checkbox"/> Supreme Court
Diagnosis Confirmed: <input type="checkbox"/> YES <input type="checkbox"/> NO	Initial Claim Closure Date: _____
Date Claim Reopened (if applicable): _____	Subsequent Claim Closure Date (if applicable): _____



DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
WORKERS' COMPENSATION SECTION
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Henderson, Nevada 89074

OCCUPATIONAL DISEASE CLAIM REPORT (OD-8 FORM)
Reporting Requirements
NRS 617.357

Every workers' compensation insurer is required to submit an Occupational Disease Claim Report (OD-8 Form) to the Workers' Compensation Section (WCS) of the Division of Industrial Relations (DIR) for occupational disease claims of firefighters, police officers, arson investigators or emergency medical attendants that encompass diseases of the heart or lungs or diseases that are infectious or relate to cancer pursuant to NRS 617.453, 617.455, 617.457, 617.481, 617.485 or 617.487.

Accessing the OD-8 Form

The OD-8 Form can be found on our website. It can be accessed from the [WCS Home Page](#) under the "Insurer and TPA Reporting" box and in the "Forms and Worksheets" page, or directly here: [OD-8 Occupational Disease Claim Report](#) form.

When to Submit the OD-8 Form

OD-8 Form Part 1: Within 30 days after acceptance or denial of the claim

OD-8 Form Parts 1 & 2: Within 30 days of each or any of the following:

- An appeal filed regarding claim acceptance or denial
- A decision rendered on an appeal regarding acceptance or denial
- Subsequent appeals and decisions regarding acceptance/denial
- Claim closure
- Claim reopening

Filing the OD-8 Form

Electronically by e-mail to: WCSRA@business.nv.gov

Hard copy by fax to: (702) 990-0364, Attention: Research & Analysis Unit

Hard copy by U.S. Postal Service or other mail service to:

State of Nevada
DIR/Workers' Compensation Section
Research & Analysis Unit
1301 North Green Valley Parkway, Suite 200
Henderson, NV 89074

Insurers with Zero Reportable Claims During a Calendar Year

Insurers with zero reportable claims pursuant to this statute during a calendar year are required to file an *Occupational Disease Claim Statement of Inactivity* form within 5 working days of the end of the calendar year for which they are reporting. This will ensure that all insurers have addressed the requirements of this statute and are represented in the Administrator's report required by NRS 617.357(3). The [Occupational Disease Claim Statement of Inactivity](#) form is available on our website and may be filed electronically via email as an attachment or may be mailed or faxed as a hard copy. See above *Filing the OD-8 Form*.

The OD-8 reporting requirements are mandated by the NRS. Failure to file the required reports may result in administrative fines pursuant to NAC 616D.415(1)(d).

OD-8 Reporting Requirement Background

NRS 617.357 became effective July 1, 2001 and was recently amended on May 24, 2013.

Initially, insurers were required to submit to the Administrator a written report for all claims for compensation that were filed for an occupational disease of the heart or lungs or any occupational disease that was infectious or related to cancer. The 2013 Nevada Legislature Assembly Bill 11 (AB 11) amended NRS 617.357 limiting the reporting requirement to only claims in which the claimant is a firefighter, police officer, arson investigator, or emergency medical attendant and that are filed pursuant to NRS 617.453, 617.455, 617.457, 617.481, 617.485 or 617.487.

The OD-8 Form reporting triggers remain the same. The OD-8 Form (Part 1) must be submitted within 30 days after the insurer accepts or denies the claim pursuant to NRS 617.356. Additionally, the insurer is required to submit the OD-8 Form (Parts 1 & 2) within 30 days after the claim is appealed or affirmed, modified or reversed on appeal or when the claim is closed or reopened.

The Occupational Disease Claim Report was initially introduced in February 2003 for reporting claims pursuant to NRS 617.357(1) and for updating each claim pursuant to NRS 617.357(2). In June 2006, it was adopted as the OD-8 Form. In January 2014, the OD-8 Form was updated to reflect the changes from AB 11 (2013).

Inquiries

Please contact the WCS Research & Analysis Unit at WCSRA@business.nv.gov or (702) 486-9080 if you have any questions or concerns.