

## **Uninsured Employers' Account Protects Nevada Workers**

One of the core Workers' Compensation Section (WCS) missions is to ensure that employers who must have workers' compensation coverage purchase and maintain proper coverage. In addition, hefty fines and penalties are in place to motivate employer compliance. However, this ongoing effort raises the question: "What happens to those injured workers whose employer, for whatever reason, doesn't have required coverage?"

[NRS 616C.220](#) details how an injured employee may receive compensation from the Uninsured Employers' Claim Account (UECA). As with a regular claim there are various criteria to satisfy, but the bottom line is that the injured worker is entitled to the same range of compensation and benefit as if he worked for a fully-insured employer.

There is a variety of ways possible uninsured claims come to WCS's attention: Phone calls from whistle blowers or attorneys for injured workers. However, one of the most common ways this information comes to light is when an injured worker seeks medical treatment and the healthcare provider's office cannot identify the correct workers' compensation insurer. The worker is treated, but that C-4 claim form is sent to DIR/WCS for further investigation. When WCS C-4 investigation staff cannot find the correct insurer, they route the C-4 to the WCS Employer Compliance Unit for investigation as a possible uninsured employer claim.

The Employer Compliance Unit assigns an investigator who visits the alleged employer and collects information from the injured employee. The injured employee is informed of his right to elect compensation benefits from the UECA or seek direct redress from the employer, which often takes the form of a civil lawsuit. Regardless of which option the injured worker chooses, if the employer is found to be uninsured, ECU will issue the applicable

citations to that employer. If the injured worker chooses to file a claim with the DIR, the claim will ultimately be processed by the State's UECA third-party administrator which has 30 days to accept or deny the claim. In addition, the DIR Counsel and the B&I Director's Office pursue reimbursement collection action against the employer for all UECA expenses expended relating to the uninsured claim.