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TRANSCRIPT MINUTES

MEETING OF THE
STATE OF NEVADA
BOARD FOR THE ADMINISTRATION OF THE
SUBSEQUENT INJURY ACCOUNT FOR
ASSOCIATIONS OF SELF-INSURED PUBLIC OR PRIVATE EMPLOYERS

Thursday, June 18, 2020
10:00 a.m.

3360 West Sahara Avenue, Suite 250
Las Vegas, Nevada, 89102
in the Executive Video Conference Room

(Due to the concerns with COVID-19,
the meeting was conducted via telephone.)

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A P P E A R A N C E S

For the Board:

Bryan Wachter (phone)
Board Chairman, Member

Rebecca Fountain (phone)
Board Vice-Chairman, Member

Allen Walker (Phone)
Board Member

Joyce Smith (Phone)
Board Member

Donald Bordelove, Esq. (phone)
Deputy Attorney General
Board Counsel

For the Division of Industrial Relations:

Christopher A. Eccles, Esq. (phone)
Counsel for DIR

For the Administrator of the DIR:

Vanessa Skrinjaric (phone)
Compliance Audit Investigator
Division of Industrial Relations
Workers' Compensation Section

Also Present:

Victoria Carreon (phone)
Interim Administrator
Nevada Department of Business and Industry

Larae Polson (phone)

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Associated Risk Management

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LAS VEGAS, NEVADA, THURSDAY, JUNE 18, 2020, 10:00 A.M.

-oOo-

BOARD CHAIRMAN WACHTER: Well, thank you, Vanessa, and thank you for everybody for joining us.

We will go ahead and call the meeting of the Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers to order.

Roll call. I have Board members joining. I have Joyce, Allen, Rebecca and myself. Vanessa and Chris are on the line. Did I miss anybody else?

MR. BORDELOVE: Donald Bordelove is here as well.

BOARD CHAIRMAN WACHTER: Oh. Sorry. Thank you. How are you?

Anybody else?

MS. CARREON: And this is Victoria Carreon.

MS. POLSON: Larae Polson.

MS. CARREON: I'm the Interim Administrator.

BOARD CHAIRMAN WACHTER: Thank you.

1 And there was one other, I think. There was an
2 overlap.

3 MS. POLSON: Larae Polson with Associated Risk.

4 BOARD CHAIRMAN WACHTER: Perfect. Thank you so
5 much.

6 Okay. This is the time for public comment.
7 Anybody on the phone, not a Board member, that wishes to
8 speak publicly, now would be the time.

9 Okay. Hearing none, then we will move on to
10 agenda item number 3. Vanessa, any changes to the
11 agenda?

12 MS. SKRINJARIC: No.

13 BOARD CHAIRMAN WACHTER: Okay. Anything from
14 the A.G.'s Office on the agenda?

15 MR. BORDELOVE: No.

16 BOARD CHAIRMAN WACHTER: Perfect. Then, we'll
17 accept a motion to approve the agenda.

18 BOARD MEMBER SMITH: I will motion to approve.
19 This is Joyce.

20 BOARD CHAIRMAN WACHTER: Oh, I've got a motion.
21 Is there a second?

22 BOARD MEMBER WALKER: I'll second it.

23 BOARD MEMBER FOUNTAIN: I second. This is
24 Rebecca.

1 BOARD CHAIRMAN WACHTER: It's been moved and
2 seconded. We'll take Rebecca. All those in favor, say
3 "aye."

4 (Board members said "aye.")

5 BOARD CHAIRMAN WACHTER: Any opposed?

6 The motion passes.

7 And then we will move on to agenda item 4, the
8 approval of the minutes from March 19th.

9 Is there a quorum for this agenda item,
10 Vanessa?

11 MS. SKRINJARIC: Well, I think, at the last
12 meeting, Mr. Bordelove said that you don't have to have
13 a quorum for approval of the minutes, especially since
14 they're transcribed now.

15 Is that correct, Mr. Bordelove?

16 MR. BORDELOVE: Oh, you do have to have a
17 quorum of members to take any action. But specifically,
18 I think, the question from the last meeting was
19 specifically those members from the prior meeting, which
20 you don't have to have. But it doesn't seem to really
21 matter, because we all have Board members here in any
22 event.

23 MS. SKRINJARIC: Great. I think, Bryan was
24 asking the latter question.

1 BOARD CHAIRMAN WACHTER: I appreciate.

2 MS. SKRINJARIC: Great. Thank you.

3 BOARD CHAIRMAN WACHTER: And I had forgotten
4 that, Vanessa. Thank you very much. So you're right.

5 So at this point, is there, are there any
6 discussion or changes to the minutes from March 19th of
7 2020?

8 Okay. Hearing none, we'll entertain a motion
9 to approve.

10 BOARD MEMBER WALKER: Motion to approve the
11 minutes.

12 BOARD CHAIRMAN WACHTER: It's been moved. Is
13 there a second?

14 BOARD MEMBER SMITH: This is Joyce. I'll
15 second.

16 BOARD CHAIRMAN WACHTER: Moved by Allen,
17 seconded by Joyce. All those in favor, say "aye."

18 (Board members said "aye.")

19 BOARD CHAIRMAN WACHTER: Any opposed?

20 The motion passes.

21 Now we can move on to agenda item number 5,
22 action on the recommendation of the Administrator of the
23 Division of Industrial Relations for the approval of the
24 following requests for reimbursement. And we'll start

1 with case a., 5001-0986-2018-0532.

2 Vanessa.

3 MS. SKRINJARIC: First of all, are there any
4 disclosures on this matter?

5 BOARD MEMBER WALKER: Yes. I have to recuse
6 myself because Nevada Transportation is my association.

7 MS. SKRINJARIC: Okay. Anyone else?

8 BOARD MEMBER FOUNTAIN: Pro Group's my
9 administrator. This is Rebecca. I don't see any other
10 reason.

11 MS. SKRINJARIC: Okay.

12 BOARD MEMBER SMITH: Yes, mine, also. It looks
13 like probably all of us here.

14 MS. SKRINJARIC: Okay.

15 BOARD CHAIRMAN WACHTER: I was going to say, I
16 think, that standard definitely where it applies to
17 Pro Group and ARMI. But, I think, Allen is specifically
18 in the transportation network, so that's why on this one
19 he's abstaining.

20 BOARD MEMBER WALKER: Correct. In fact, I
21 think, there's three of them today.

22 MS. SKRINJARIC: Okay.

23 BOARD CHAIRMAN WACHTER: I know, it's a little
24 busy for the transportation network.

1 BOARD MEMBER WALKER: Yeah.

2 MS. SKRINJARIC: Okay. So the member is
3 specifically Medical Transport LLC. And it is the
4 Administrator's recommendation to accept this request
5 pursuant to NRS 616B.578 for the lumbar spine, L5-S1
6 only.

7 The total amount requested for reimbursement is
8 \$46,330.96. The amount of reimbursement, after costs
9 were verified, is \$35,685.53.

10 This request was received from Associated Risk
11 Management on April 17th, 2020.

12 The prior history and subsequent injury history
13 will be taken from Dr. Oliveri's permanent partial
14 disability evaluation penned on January 13th, 2020,
15 except as otherwise noted.

16 This employee had an industrial injury on
17 August 7th, 2007 where he suffered a lumbar strain. On
18 December 3rd, 2007 he underwent epidural injections with
19 Dr. Starley.

20 On April 23rd, 2011, the employee suffered
21 another industrial injury where he was diagnosed with
22 left hip and left back pain.

23 On May 6, 2012, the employee suffered another
24 industrial injury where he was diagnosed with L5-S1

1 issues.

2 On May 11, 2012, the employee was seen at
3 Mountainview Hospital where a CT scan of the lumbar
4 spine did not show a fracture but revealed a disc
5 osteophyte complex with protrusion at L5-S1. A lumbar
6 MRI on May 22nd, 2012 indicated a 10-millimeter left
7 paracentral L5-S1 disc protrusion and a 2-millimeter
8 L4-5 bulge.

9 On June 25, 2012, Dr. Bassewitz performed a
10 left L5-S1 micro lumbar discectomy.

11 On October 23rd, 2012, Dr. Hogan performed a
12 PPD rating evaluation in which the employee was placed
13 into DRE Category III for the lumbar spine and awarded a
14 12 percent whole person impairment. His addendum was
15 completed on December 5th, 2012.

16 On February 26, 2014, Dr. Bassewitz saw the
17 employee for claim reopening. An MRI was requested as
18 there was weakness in the left leg. On April 9, 2014,
19 the MRI revealed prior surgery at L5-S1 with recurrent
20 disc protrusion and mild mass effect on the nerve root.

21 On April 22nd, 2014, Dr. Bassewitz performed a
22 revision left side L5-S1 micro lumbar discectomy. By
23 August 7, 2014, the employee's pain level had decreased
24 to a 3 out of 10. Dr. Bassewitz recommended continued

1 physical therapy. There was no PPD rating for the
2 reopening of the claim.

3 Present claim. The employee was hired by
4 Medical Transport on January 17th, 2017 as a driver. On
5 March 5th, 2018, the employee was transporting a patient
6 from the hospital to a nursing home on a gurney in his
7 work van when he started experiencing pain across his
8 waist/back. He states, quote, "all of a sudden my back
9 and legs went numb, felt a cold sweat. I got into my
10 van, and was unable to get to my destination, had
11 trouble getting out of van, but I finally did, called my
12 boss and had coworker take me to E.R.," end quote. He
13 was diagnosed at the emergency room with lumbar strain.
14 It was noted that he had chronic degenerative disc
15 disease and a history of two back surgeries.

16 The employee began treatment at Concentra,
17 however he continued to experience increasing pain.

18 An MRI was performed on April 6, 2018, which
19 indicated a 4-millimeter L4-5 protrusion as well as a
20 7-millimeter central protrusion at L5-S1 with
21 superimposed disc osteophyte and postsurgical change.
22 He was referred to Dr. Bassewitz.

23 On June 13, 2018, the employee went to
24 Mountainview Hospital in pain. He was seeking

1 painkillers. He was given a Toradol injection and
2 referred back to Dr. Bassewitz. Dr. Bassewitz
3 recommended physical therapy and a second opinion with
4 Dr. Vater.

5 On October 29, 2018, Dr. Kaplan performed an
6 IME in which he suspected a discogenic injury. He
7 stated the L4-5 appeared similar to the prior injury in
8 2012, however, the L5-S1 was worse with the right-sided
9 protrusion. He recommended epidural injections.

10 A consultation was scheduled with Dr. Schifini
11 on July 8th, 2019. He also recommended transforaminal
12 epidural steroid injections at L5-S1.

13 On July 16, 2019, Dr. Gephardt concurred with
14 Dr. Schifini regarding TESI. He also recommended
15 EMG/NCV studies. Physical therapy was started on
16 July 19, 2019.

17 On August 7, 2019, Dr. Gephardt performed
18 bilateral TESI at L5-S1 and S1 under fluoroscopic
19 guidance.

20 On August 26, 2019, Dr. Evangelista performed
21 EMG/NCV studies which were normal.

22 On October 1, 2019, Dr. Gephardt released the
23 employee to full duty.

24 On November 7, 2019, Dr. Flangas offered the

1 employee an interbody fusion with pedicle screw
2 implementation. The employee declined. He was released
3 full duty at maximum medical improvement, stable and
4 ratable.

5 On November 20th, 2019, the employee completed
6 physical therapy.

7 On January 13, 2020, Dr. Oliveri performed the
8 PPD evaluation. Dr. Oliveri found that the employee had
9 12 percent for the diagnosis with 8 percent for the
10 range of motion to equal 19 percent. The 19 percent is
11 then combined with the 1 percent for the nerve root
12 impairment to equal 20 percent whole person impairment.
13 This is the unapportioned rating. As the employee had a
14 prior 12 percent whole person the impairment, it is
15 subtracted from the 20 percent whole person impairment
16 to equal a net additional 8 percent whole person
17 impairment. The employee took this in a lump sum.

18 On February 9th, 2020, Dr. Betz penned a letter
19 for subsequent injury review. He opined that, quote,
20 "Dr. Kaplan and Flangas agreed the subsequent injury
21 resulted in an exacerbation of employee's preexisting
22 disc disease at L4-5 and L5-S1. While there was some
23 worsening of the disc pathologies at L5-S1,
24 electrodiagnostics did not find acute radiculopathy and

1 it is well documented that the patient had significant
2 prior pathologies at that level requiring two surgical
3 interventions in the past.

4 "Absent those preexisting pathologies and the
5 patient's history of several surgical procedures which
6 can accelerate degeneration, it is likely he would have
7 suffered no more than a lumbar strain as a result of the
8 subsequent injury incident requiring only a brief course
9 of conservative care without permanent impairment."

10 The Administrator agrees with this analysis.

11 Therefore, NRS 616B.578, subsection 1, has been
12 satisfied.

13 On December 5th, 2012, Dr. Hogan recommended
14 claim closure with a 12 percent whole person impairment
15 for the employee's May 6, 2012 workers' compensation
16 claim. Dr. Hogan determined that the employee fell into
17 DRE Category III for the lumbar spine.

18 Therefore, NRS 616B.578, subsection 3, has been
19 satisfied.

20 The employer submitted a Post-Hire Supplement
21 as proof of its knowledge of the employee's permanent
22 impairment. This document is dated 1-17-2017 and is
23 signed by the employee. The employee states he had a,
24 quote, "back injury in 2012," end quote, for which he

1 had, quote, "light duty and weight restrictions," end
2 quote. Under the question, quote, "Did you receive a
3 permanent partial disability rating for this injury?"
4 end quote, the employee marked "Yes." While the
5 employee did not mark the percentage of impairment, he
6 did in fact receive an impairment of 12 percent whole
7 person impairment for the injury in 2012. This document
8 was retained by the employer and provided to its
9 administrator in support of its application for
10 subsequent injury relief.

11 North Lake Tahoe Fire Protection District vs.
12 Board of Administration does not require the employer's
13 perfect knowledge of a 6 percent permanent impairment.
14 It requires that an employee's preexisting permanent
15 physical impairment be fairly and reasonably inferred
16 from the written record and the impairment must amount
17 to at least 6 percent whole person impairment. That is
18 the case here.

19 Based on the document presented, it is
20 reasonable to conclude that the employer was aware the
21 employee had a back injury from which he suffered a
22 permanent impairment which amounted to at least
23 6 percent whole person impairment and the employer
24 retained him in employment after learning of the

1 impairment.

2 Therefore, NRS 616B.578, subsection 4, has been
3 satisfied.

4 Subsection 5 does not need to be satisfied in
5 order for this claim to be considered for reimbursement
6 since the date of jury is after the October 1, 2007
7 change in the requirements of the statute.

8 That's all.

9 BOARD CHAIRMAN WACHTER: Yeah, well, I think,
10 that was plenty. So thank you very, very much.

11 Any questions or comments from any of the
12 several lawyers that are on the line with us?

13 Okay. Hearing none, is there a motion on the
14 table to approve the request for \$35,685.23 for this
15 item?

16 BOARD MEMBER SMITH: This is Joyce. I will
17 motion to approve.

18 BOARD CHAIRMAN WACHTER: Perfect. Is there a
19 second?

20 BOARD MEMBER FOUNTAIN: This is Rebecca. I
21 second it.

22 BOARD CHAIRMAN WACHTER: I've got a first from
23 Joyce and a second from Rebecca. Any discussion amongst
24 the Board?

1 All those in favor, say "aye."

2 (Board members said "aye.")

3 BOARD CHAIRMAN WACHTER: Any opposed?

4 The motion passes. Thank you very much.

5 Vanessa, now we can move down to 5.b., which
6 was C143-17-10695-01.

7 MS. SKRINJARIC: Okay. This member is Truckee
8 Meadows Fire Protection District.

9 Did Mr. Balkenbush end up logging on?

10 Nope. Okay.

11 BOARD CHAIRMAN WACHTER: It didn't sound like
12 it.

13 MS. SKRINJARIC: Okay. All right. Then, it is
14 the Administrator's recommendation to accept this
15 request pursuant to NRS 616B.578 for the lumbar spine
16 only.

17 The total amount requested for reimbursement is
18 \$28,794.41. The amount of reimbursement, after costs
19 were verified, is \$28,103.62.

20 This request was received from Robert F.
21 Balkenbush, Esq., on March 16, 2020.

22 Prior history. This employee was hired by the
23 employer as a firefighter on June 18, 2012. The prior
24 history will be taken from Dr. Fleischer's PPD

1 evaluation penned on June 22nd, 2016, as well as the
2 addendum solicited by the TPA on July 20th, 2016.

3 The employee was injured on June 3rd, 2015
4 while working as a fire captain. He was lifting an EMS
5 bag weighing 35 to 40 pounds and then twisting when he
6 felt a pop. He felt low back pain radiating down to the
7 bottom of the right foot. He was diagnosed with an
8 acute lumbar strain, possibly from a previous back
9 injury.

10 It appears that the employee treated with a
11 chiropractor for low back pain from January 6, 2010 to
12 November 14, 2013.

13 He was referred to Dr. Muir in August 2015 who
14 determined he had L3-4 and L4-5 disc degeneration and
15 bulges with associated mild/moderate neural foraminal
16 stenosis, right lumbar radiculitis, lumbar spondylosis.
17 He recommended diagnostic testing, medication, physical
18 therapy, and facet injections.

19 In December 2015, the employee was referred to
20 Dr. Rappaport for an independent medical examination.
21 Dr. Rappaport found lumbar spondylosis at L3-4 and L4-5
22 and lumbar sprain/strain. He recommended facet
23 intraarticular injections and surgical microscopic
24 decompression.

1 In March 2016, Dr. DeMordaunt diagnosed
2 lumbosacral strain, possible lumbar facet dysfunction
3 and right lower extremity paresthesia with possible
4 radiculitis. He recommended medial branch blocks and
5 EMG testing.

6 In April 2016, Dr. DeMordaunt performed right
7 L2, L3 and L4 medial branch blocks and right L5 dorsal
8 ramus block for the right L3-L4, L4-L5 and L5-S1 facet
9 joints.

10 On April 12th, 2016, the employee was returned
11 to work full duty.

12 On May 16, 2016, Dr. DeMordaunt performed an
13 EMG which was negative for radiculitis. The employee
14 was found to be at MMI.

15 On June 22nd, 2016, Dr. Fleischer performed a
16 PPD evaluation in which he found the employee fell into
17 DRE Lumbar Category II and recommended 5 percent whole
18 person impairment. At the request of the TPA on
19 July 20th, 2016, Dr. Fleischer awarded an additional
20 1 percent whole person impairment for loss of activities
21 of daily living for a total of 6 percent whole person
22 impairment.

23 Present claim. On May 23rd, 2016, the employee
24 was pulling a fire hose upstairs fighting a fire when he

1 suffered a lumbar strain. The subsequent injury history
2 will be taken from Dr. Wheeler's PPD report penned on
3 May 11, 2019 except as otherwise noted.

4 The employee went to Dr. Hall on May 24th, 2017
5 where it was noted that he had a prior lumbar injury.
6 He was prescribed medications and chiropractic care as
7 he had previously seen a chiropractor. He was placed on
8 light duty.

9 The employee resumed treatment with his
10 previous chiropractor while he continued to see
11 Dr. Hall. By the end of June, Dr. Hall released him to
12 full duty but recommended physical therapy.

13 The employee began extensive physical therapy
14 from July 7, 2017 through the end of January 2018. At
15 this time, Dr. Hall felt there was nothing further to do
16 for the employee and referred him to a physiatrist.

17 Dr. Muir diagnosed the employee with lumbar
18 spondylosis. An MRI was performed in May 2018 and
19 showed a bulge and facet degenerative changes most
20 prominent at L3-4 and L4-5 with mild bilateral
21 neuroforaminal stenosis at L3-4.

22 In July 2018, Dr. Erickson recommended EMG
23 testing and pain management.

24 The EMGs performed in July 2018 showed mild

1 left L5 radiculopathy.

2 On October 8, 2018, Dr. Muir performed L5-S1
3 epidural steroid injections. The employee received
4 minimal relief.

5 On November 26, 2018, Dr. Muir performed
6 bilateral L3 to S1 medial branch blocks.

7 On January 24, 2019, Dr. Muir performed right
8 lumbar radiofrequency ablations at L3 to S1.

9 On February 18, 2019, Dr. Muir performed left
10 lumbar radiofrequency ablations at L3 to S1.

11 The employee received greater than 50 percent
12 decrease in his pain from the radiofrequency ablation
13 procedures. On April 16, 2019, Dr. Muir released the
14 employee as maximally medically improved.

15 On May 11, 2019, Dr. Wheeler performed a PPD
16 evaluation. He used the range of motion method to
17 perform the PPD. He determined the employee had
18 12 percent whole person impairment. He subtracted the
19 prior 6 percent whole person impairment, leaving a net
20 6 percent whole person impairment.

21 The TPA disagreed with the rating method used
22 and sent the rating out for independent review. The
23 reviewing rater believed the rating should be a net
24 4 percent whole person impairment.

1 Dr. Wheeler believed the rating should remain
2 at 6 percent whole person impairment. This is what was
3 ultimately awarded to and paid the employee.

4 On February 11, 2020, Dr. Betz penned a letter
5 for subsequent injury review. He opined that "absent
6 the preexisting multilevel degenerative pathologies and
7 the patient's chronic symptoms, it is very likely he
8 would have suffered no more than a sprain/strain as a
9 result of the subsequent occupational incident requiring
10 a brief course of conservative measure with no permanent
11 partial impairment. However, as a direct result of his
12 preexisting pathologies and symptoms he required
13 significant additional evaluation and treatment and was
14 ultimately found to have additional permanent
15 impairment. Consequently, it is reasonable and
16 appropriate to conclude that 90 percent of the costs of
17 the subsequent claim were the direct result of the
18 combined effects of prior pathologies and the subsequent
19 injury. 10 Percent of the cost of the subsequent claim
20 resulted from the subsequent injury alone."

21 The Administrator agrees with this analysis.

22 Therefore, NRS 616B.578, subsection 1, has been
23 satisfied.

24 On July 20, 2016, at the request of the TPA,

1 Dr. Fleischer increased the employee's PPD award from
2 5 percent whole person impairment, DRE Lumbar
3 Category II, to 6 percent, the aforementioned 5 percent
4 whole person impairment with an additional 1 percent for
5 loss of ADLs.

6 Therefore, NRS 616B.578, subsection 3, has been
7 satisfied.

8 The applicant provided the following documents
9 to show written proof of knowledge of the prior injury:

10 One, email dated July 25, 2016 from Karen
11 Barbee, claims adjustor for Alternative Service
12 Concepts, to Celeste Wallick, Risk Analyst for Washoe
13 County, which includes date of injury of 6-3-15 for the
14 employee; notification for employer Truckee Meadows Fire
15 Protection District that the employee suffered a
16 6 percent whole person impairment for his low back.
17 Corresponding email from Ms. Wallick confirming receipt
18 of the email. Attachment to the email is the July 25th,
19 2016 letter to the employee offering the 6 percent whole
20 person impairment with a copy to the employer.

21 Number two, Interlocal Agreement for
22 Administrative & Technical Services. This agreement
23 shows that the Washoe County Risk Manager provides claim
24 administration services for Truckee Meadows Fire

1 Protection District.

2 On July 25th, 2016, prior to the date of the
3 subsequent injury, the Washoe County Risk Analyst,
4 Celeste Wallick, acknowledged an email that she was
5 aware the employee suffered an industrial injury to his
6 low back which resulted in an impairment award which
7 amounted to 6 percent whole person impairment. Pursuant
8 to the Interlocal Agreement between Washoe County and
9 the employer, Ms. Wallick was the custodian of these
10 records.

11 Therefore, NRS 616B.578, subsection 4, has been
12 satisfied.

13 Subsection 5 does not need to be satisfied in
14 order for this claim to be considered for reimbursement
15 since the date of injury is after the October 1, 2007
16 change in the requirements of the statute.

17 There you go, completed.

18 BOARD CHAIRMAN WACHTER: Thank you, Vanessa.

19 Any comments from anybody who's not on the
20 Board for this particular matter?

21 Okay. Then, in that, we'll entertain a motion
22 to approve this case in the amount of \$28,103.62. Is
23 there a motion?

24 BOARD MEMBER WALKER: Motion to approve.

1 BOARD MEMBER FOUNTAIN: Motion to approve.

2 BOARD CHAIRMAN WACHTER: We'll go ahead with
3 Allen this time.

4 BOARD MEMBER FOUNTAIN: Go ahead, Allen.

5 BOARD CHAIRMAN WACHTER: Is there a second?

6 BOARD MEMBER FOUNTAIN: I'll second. This is
7 Rebecca.

8 BOARD CHAIRMAN WACHTER: Perfect. Thank you.
9 So we've got a motion by Allen and a second by
10 Rebecca. Any discussion from the Board?

11 All those in favor, say "aye."

12 (Board members said "aye.")

13 BOARD CHAIRMAN WACHTER: Any opposed?

14 The motion passes. Excellent.

15 Now, we can move on to agenda item number 6 for
16 a supplemental request for approval, case number
17 5001-0447-2004-0042.

18 Vanessa.

19 MS. SKRINJARIC: Okay. I'm guessing, Allen
20 will abstain from this one?

21 BOARD MEMBER WALKER: Yes.

22 MS. SKRINJARIC: Okay. Okay. The member is
23 Bonanza Beverage Company.

24 It is the Administrator's recommendation to

1 accept this fifth supplemental request pursuant to NRS
2 616B.578 for the right knee.

3 The total amount requested for reimbursement is
4 \$64,478.66. The amount of reimbursement, after costs
5 were verified, is \$64,478.66.

6 This request was received from Associated Risk
7 Management Inc. on February 10th, 2020. This claim was
8 originally approved by the Board on April 21, 2011.
9 This request contains monthly permanent total disability
10 payments from June 1, 2018 through December 28, 2019.
11 The employee is entitled to a yearly cost of living
12 allowance of 2.3 percent pursuant to NRS 616C.473. The
13 2019 monthly payment amount is \$3,421.96. The permanent
14 total disability report of employment, Form D-14, for
15 the year 2019 was submitted.

16 That's all.

17 BOARD CHAIRMAN WACHTER: Thank you, Vanessa.

18 Anybody not on the Board have anything to add?

19 Okay. With that, and I just find it impressive
20 that the requested amount is actually the amount that
21 we're going to approve. I don't think I see that very,
22 very often. But for \$64,478.66. Is there a motion?

23 BOARD MEMBER SMITH: Joyce. I will motion to
24 approve.

1 BOARD CHAIRMAN WACHTER: Perfect. Joyce made
2 the motion. Is there a second?

3 BOARD MEMBER FOUNTAIN: This is Rebecca. I'll
4 second it.

5 BOARD CHAIRMAN WACHTER: Perfect. Any
6 discussion from the Board?

7 Okay. All those in favor, say "aye."

8 (Board members said "aye.")

9 BOARD CHAIRMAN WACHTER: Any opposed?
10 The motion passes, three approved, one
11 abstention. Thank you very much.

12 And now we will move on to 6.b., which is case
13 5001-0114-2003-0006.

14 Vanessa.

15 MS. SKRINJARIC: Okay. And Allen will be
16 abstaining on this one as well, right?

17 BOARD MEMBER WALKER: Correct.

18 BOARD CHAIRMAN WACHTER: Correct.

19 MS. SKRINJARIC: Okay. The member is Truck
20 Parts & Equipment.

21 It is the Administrator's recommendation to
22 accept this seventh supplemental request pursuant to NRS
23 616B.578 for the lumbar spine.

24 The total amount requested for reimbursement is

1 \$33,051.81. The amount of reimbursement, after costs
2 were verified, is \$33,051.81.

3 This request was received from Richard Staub,
4 Esq. on February 10th, 2020. This claim was originally
5 approved by the Board on November 22nd, 2011.

6 This request contains payment and/or reporting
7 for the following expenses: Permanent total disability
8 benefits from February 1, 2019 through December 28th,
9 2019 in the monthly amount of \$3,004.71.

10 This gentleman had an injury to his lumbar
11 spine back in 2003. He was deemed permanent and total
12 in May 2014. PTD benefits started on July 1, 2014. He
13 is entitled to a yearly cost of living allowance of
14 2.3 percent pursuant to NRS 616C.473. The permanent
15 total disability report of employment, Form D-14, for
16 the year 2019 was submitted.

17 And that's all.

18 BOARD CHAIRMAN WACHTER: Perfect. Thank you,
19 Vanessa.

20 Anybody not on the Board have anything to add?

21 Okay. With that, then we'll entertain a motion
22 to approve the total for \$33,051.81. Is there a motion?

23 BOARD MEMBER SMITH: This is Joyce. I'll
24 motion to approve.

1 BOARD CHAIRMAN WACHTER: Thank you, ma'am.

2 Is there a second?

3 BOARD MEMBER FOUNTAIN: This is Rebecca. I'll
4 second it.

5 BOARD CHAIRMAN WACHTER: Excellent. There's
6 been a motion and a second. Any discussion from the
7 Board?

8 All those in favor, say "aye."

9 (Board members said "aye.")

10 BOARD CHAIRMAN WACHTER: The motion passes
11 three to -- there was one abstention. Excellent. Thank
12 you.

13 Now, we can move on to agenda item number 7.

14 And, Don, I believe, we turn this over to you.

15 MR. BORDELOVE: So this is for the approval
16 and/or modification of the draft decision of findings of
17 facts, conclusions of law, and determination of the
18 Board concerning A1 Builder Investment, Inc., claim
19 number 5012-1319-2018-0710. This was held, heard
20 de novo in November of 2019. The Board ordered the
21 application for reimbursement denied.

22 I can go through. It's pretty much a Board
23 preference. I can go through and read the decision if
24 you'd like. It's not required, but I'd be happy to

1 oblige, the Board's preference.

2 BOARD CHAIRMAN WACHTER: I don't see a reason.
3 But anybody on the Board want him to go back through it?

4 BOARD MEMBER WALKER: No, I read it already.

5 BOARD CHAIRMAN WACHTER: Okay. Yeah, I think,
6 we're pretty familiar. We lived this one. So what do
7 you need us to do next?

8 MR. BORDELOVE: Just to make a motion to
9 approve the order.

10 BOARD CHAIRMAN WACHTER: Excellent. Is there
11 one available from the Board?

12 BOARD MEMBER WALKER: I'll make a motion to
13 approve it.

14 BOARD CHAIRMAN WACHTER: Okay. There's been a
15 motion to approve the order. Is there a second?

16 BOARD MEMBER SMITH: This is Joyce. I'll
17 second.

18 BOARD CHAIRMAN WACHTER: Excellent. Any
19 discussion from the Board?

20 Okay. With that, all those in favor of
21 approving the agenda item number 7, say "aye."

22 (Board members said "aye.")

23 BOARD CHAIRMAN WACHTER: Any opposed?

24 The motion passes.

1 MR. BORDELOVE: Bryan, just quickly, do you
2 want me to use your electronic signature on this one, or
3 do you want me to send it to you for a physical
4 signature?

5 BOARD CHAIRMAN WACHTER: No, electronic would
6 be even better.

7 MR. BORDELOVE: You got it.

8 BOARD CHAIRMAN WACHTER: Do I have one of
9 those, Vanessa?

10 MS. SKRINJARIC: I've never used it. And the
11 other thing is I'm going to --

12 MR. BORDELOVE: The way we do it for court is
13 we just type "slash S, slash S" and then type your name
14 above the name.

15 BOARD CHAIRMAN WACHTER: Could that be done on
16 everything that the Department needs me to sign?

17 MS. SKRINJARIC: No. I have to have a physical
18 signature when we're approving money.

19 BOARD CHAIRMAN WACHTER: Okay. So, yes to Don.
20 And I'll see you later this afternoon, Vanessa.

21 MS. SKRINJARIC: Okay.

22 BOARD CHAIRMAN WACHTER: Okay. Agenda item
23 number 8, general matters of concern to the Board not on
24 the agenda. Anybody want to add anything to the next

1 agenda?

2 Okay. Vanessa, any old or new business?

3 MS. SKRINJARIC: The only old business I had
4 was the payment memo which we already discussed about
5 you signing it this afternoon.

6 BOARD CHAIRMAN WACHTER: Perfect. Anything
7 from you, Don?

8 MR. BORDELOVE: Nothing on my end.

9 BOARD CHAIRMAN WACHTER: Okay. Anything from
10 the Board?

11 Okay. With that, Vanessa, I don't see any
12 reason that our August 20 date isn't still a go.

13 MS. SKRINJARIC: Correct. And at this point, I
14 don't have anything that is ready to go out the door
15 that wouldn't make it to the -- you know, that would
16 need to go into July. It can go on August.

17 BOARD CHAIRMAN WACHTER: Okay. Yes. It
18 doesn't look like we have a meeting scheduled in July.

19 MS. SKRINJARIC: Right.

20 BOARD CHAIRMAN WACHTER: Just the next one on
21 August 20th. So perfect.

22 Okay. Any Board members have any questions or
23 comments about the next four meetings for the year?

24 Okay. Perfect. So at this time, we will open

1 it back up to public comment. Is there any member of
2 the public that wishes to make a comment?

3 Okay. Excellent. Well, then, at this time, we
4 will find ourselves adjourned at 10:37.

5 Thank you, everyone. Appreciate your time.

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