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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, August 20, 2020  
10:00 a.m.

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

(Due to 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  
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 (Las Vegas)  
Compliance Audit Investigator  
Division of Industrial Relations  
Workers' Compensation Section

Also Present:

Larae Polson (phone)  
Associated Risk Management

John D. Hooks, Esq. (phone)

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I N D E X

ITEM	PAGE
1. Roll Call	5
2. Public Comment	6
3. Approval of Agenda For Possible Action	6
4. Approval of Minutes for June 18, 2020 For Possible Action	7
5. Action on a Recommendation of the Administrator of the Division of Industrial Relations for Approval of the following supplemental request(s) for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers. Continued from a previous meeting.	
a. C143-10-05247-01 Douglas County For Possible Action	8
b. C143-03-01086-01 Mineral County For Possible Action	12
c. 5001-0871-2008-0446 Hoss Disposal, Inc. For Possible Action	15
6. Additional Items:	
a. General Matters of Concern to Board Members Regarding Matters Not Appearing on the Agenda	18
b. Old and New Business	18

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c. Schedule of Next Meeting. The following dates have been scheduled in advance but are subject to change at any time: October 22, 2020; November 19, 2020; and December 17, 2020. For Possible Action

7.	Public Comment	19
8.	Adjournment For Possible Action	21

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THURSDAY, AUGUST 20, 2020, 10:02 A.M.

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BOARD MEMBER WACHTER: We are going to go ahead and call the meeting for the Board of the Administration of the Subsequent Injury Account for Associations of Self-Insured Public and Private Employers to order at 10:02 a.m.

Our first agenda item is roll call. And, Vanessa, I'll take you up on your offer to go ahead and get that done.

MS. SKRINJARIC: Okay. Bryan Wachter?

BOARD MEMBER WACHTER: Present.

MS. SKRINJARIC: Rebecca Fountain?

BOARD MEMBER FOUNTAIN: Present.

MS. SKRINJARIC: Allen Walker?

BOARD MEMBER WALKER: Present.

MS. SKRINJARIC: Joyce Smith?

BOARD MEMBER SMITH: Present.

MS. SKRINJARIC: This is Vanessa Skrinjaric for the DIR.

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Donald Bordelove?

MR. BORDELOVE: Present.

MS. SKRINJARIC: Christopher Eccles?

MR. ECCLES: Present.

MS. SKRINJARIC: And present for  
Mr. Balkenbush, we have John Hooks?

MR. HOOKS: Correct, present.

MS. SKRINJARIC: Okay. And present for  
Mr. Staub, we have Larae Polson for ARMI?

MS. POLSON: Present.

MS. SKRINJARIC: Okay. And, I believe, that's  
all that we have present at the time.

BOARD MEMBER WACHTER: Thank you, ma'am.

Is there anybody else on the call that we may  
have missed?

Okay. With that, we'll move into agenda item  
number 2, public comment.

Anybody in the public wishing to speak now?

Hearing none, we'll move to agenda item  
number 3, approval of the agenda.

Fellow Board members, Vanessa had this in an  
email. It's been posted. Are there any changes or  
discussions on the agenda?

BOARD MEMBER FOUNTAIN: None.

1 BOARD MEMBER WACHTER: Okay. Hearing none,  
2 then we'll entertain a motion to approve the agenda.

3 BOARD MEMBER SMITH: Motion to approve.

4 BOARD MEMBER FOUNTAIN: Motion to approve.

5 BOARD MEMBER SMITH: Joyce.

6 BOARD MEMBER WACHTER: I have a motion from  
7 Joyce to approve the agenda and a second from Rebecca.  
8 Any discussion?

9 All those in favor say "aye."

10 (Board members said "aye.")

11 BOARD MEMBER WACHTER: Any opposed?

12 Motion passes.

13 We'll move on to item number 4, which is the  
14 approval of the minutes.

15 There was a bit of confusion. Vanessa outdid  
16 herself. She put it to us twice, once this morning.  
17 But just for the record, it was included in your  
18 original data packet that we got last month.

19 So are there any questions or discussion on the  
20 minutes?

21 Okay. Hearing none, we'll entertain a motion  
22 to approve the minutes for June 18, 2020.

23 BOARD MEMBER SMITH: Joyce Smith. Motion to  
24 approve.

1 BOARD MEMBER WACHTER: I've got a motion from  
2 Joyce. Is there a second?

3 BOARD MEMBER WALKER: Second.

4 BOARD MEMBER FOUNTAIN: Second. Go ahead,  
5 Allen.

6 BOARD MEMBER WACHTER: Okay. Moved by Joyce to  
7 approve the minutes for June 18, 2020, second by Allen.  
8 All those in favor, say "aye."

9 (Board members said "aye.")

10 BOARD MEMBER WACHTER: Any opposed?

11 Motion passes.

12 We will move on to agenda item number 5, action  
13 on the recommendation. We've got three supplemental  
14 requests for approval today, the first one being a.,  
15 case number C143-10-05247-01, for Douglas County.

16 And I'll turn it over to you, Vanessa.

17 MS. SKRINJARIC: Okay. It is the  
18 Administrator's recommendation to accept this second  
19 supplemental request pursuant to NRS 616B.578 for the  
20 lumbar spine.

21 The total amount requested for reimbursement is  
22 \$73,951.71. The amount of reimbursement, after costs  
23 were verified, is \$71,271.17. An explanation of the  
24 disallowance is attached to this recommendation memo.



1           This request was received from Robert  
2 Balkenbush, Esq. on May 12th, 2020. This claim was  
3 originally approved by the Board on November 20th, 2014.

4           This request contained reporting and/or payment  
5 for the following expenses:

6           Pain management appointments with Dr. Goode's  
7 office from February 21, 2017 through September 26,  
8 2019;

9           Office visits with Dr. Fry's office on March 7,  
10 2017, April 12th, 2017, April 26th, 2017 and  
11 November 29, 2018;

12           IME with Dr. Bassewitz on January 25th, 2019  
13 and follow-up report on May 2nd, 2019;

14           FCE on June 10th, 2019;

15           Lumbar spine MRI on March 17, 2017 and  
16 September 9, 2019;

17           Drug screening on May 30th, 2017, November 16,  
18 2017, June 28th, 2018, December 18, 2018, May 9, 2019  
19 and September 26, 2019;

20           Prescriptions from February 4th, 2017 through  
21 January 10th, 2020;

22           PPD review with Dr. Betz on October 9th, 2019;  
23 and

24           PPD award of 5 percent paid in a lump sum on

1 November 22nd, 2019.

2 On January 12th, 2017, the injured employee had  
3 right total hip arthroplasty for avascular necrosis.  
4 this was done on a nonindustrial basis. The employee  
5 continued to see Dr. Goode for pain management.  
6 However, he had ongoing complaints of back pain  
7 radiating into his right thigh. Dr. Fry recommended an  
8 IME to determine if the pain was related to his back or  
9 his hip.

10 On January 25th, 2019, Dr. Bassewitz performed  
11 an IME. He recommended L2-3 epidural steroid  
12 injections. He felt the only thing that would improve  
13 the employee's condition was a thoracolumbar  
14 reconstruction with multiple interbody grafts and  
15 potential osteotomies. The employee did not want to  
16 undergo this surgery. The employee understood he would  
17 be living with chronic pain.

18 On May 2nd, 2019, Dr. Bassewitz was asked to  
19 clarify his IME. Specifically, the L2-3 spinal stenosis  
20 was related to a prior underlying biological disc  
21 degeneration and not related to the subject injury or  
22 laminectomy.

23 Based on Dr. Bassewitz's supplemental, the  
24 insurer did not approve the epidural steroid injections.

1           The employee continued to treat with Dr. Goode  
2 where he received MS Contin, Oxycodone and Lyrica. He  
3 also routinely underwent urine drug testing. On  
4 February 14, 2019, Dr. Goode noted the employee's drug  
5 tests show significant amounts of alcohol. Dr. Goode  
6 changed the employee's medication from Oxycodone to  
7 Dilaudid.

8           On June 10th, 2019, an FCE was done which  
9 showed the employee is unable to perform his preinjury  
10 job. No vocational rehabilitation documents were  
11 submitted for reimbursement with this submission.

12           On August 23rd, 2019, a PPD evaluation was  
13 performed by Dr. Black, who found an 11 percent whole  
14 person impairment using the range of motion method. He  
15 subtracted a prior 9 percent whole person impairment --  
16 this was incorrect -- leaving a net 2 percent whole  
17 person impairment.

18           On October 9th, 2019, Dr. Betz performed a PPD  
19 record review. He felt the employee fell into DRE  
20 Lumbar Category III, giving him the maximum of  
21 13 percent whole person impairment. He then subtracted  
22 the prior stipulated 7 percent for the same spinal  
23 segment, leaving a net 5 percent whole person  
24 impairment. The employee took this in a lump sum.

1           The employee continues to see Dr. Goode for  
2 pain management. He is currently taking Oxycodone  
3 10 milligrams, Morphine Sulfate 15 milligrams and  
4 Pregabalin 150 milligrams.

5           And that is all.

6           BOARD MEMBER WACHTER: Thank you, Vanessa.

7           Mr. Hooks, is there anything that you would  
8 like to add to the record?

9           MR. HOOKS: No, thank you.

10          BOARD MEMBER WACHTER: I appreciate that.

11          Anything from Chris or Don?

12          MR. ECCLES: Not from me, thank you.

13          MR. BORDELOVE: Nothing from Don.

14          BOARD MEMBER WACHTER: Okay. So, then, we'll  
15 turn it over to the Board. Any questions, discussion  
16 from Board members?

17          BOARD MEMBER SMITH: No, sir.

18          Okay. Well, then, hearing none, we'll accept a  
19 motion for -- I just lost it -- case number  
20 C143-10-05247-01 in the amount of \$71,271.17. Does  
21 somebody want to make that motion?

22          BOARD MEMBER SMITH: I make the motion. Joyce.

23          BOARD MEMBER WACHTER: I've got a motion from  
24 Joyce. Do I have a second?

1 BOARD MEMBER WALKER: Second.

2 BOARD MEMBER WACHTER: I've got a second from  
3 Allen. It's been moved and seconded to approve the  
4 reimbursement for a total of \$71,271.17. Any final  
5 discussion from the Board?

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

7 (Board members said "aye.")

8 BOARD MEMBER WACHTER: Any opposed?

9 Motion passes.

10 We'll move on to agenda 5.b., case  
11 C143-03-01086-01, for Mineral County. And I'll turn it  
12 back over to you, Vanessa.

13 MS. SKRINJARIC: Okay. It is the  
14 Administrator's recommendation to accept this second  
15 supplemental request pursuant to NRS 616B.578 for the  
16 heart, i.e. myocardial infarction and coronary artery  
17 disease.

18 The total amount requested for reimbursement is  
19 \$61,507.69. The amount of reimbursement, after costs  
20 were verified, is \$61,401.80. An explanation of the  
21 disallowance is attached to this recommendation memo.

22 This request was received from Robert  
23 Balkenbush, Esq. on June 19, 2020. This claim was  
24 originally approved by the Board on July 15th, 2014.

1           This request contained payment and/or reporting  
2 for the following expenses:

3           Office visits with Dr. Arger for cardiac  
4 follow-up on April 30th, 2019 and September 9th, 2019;  
5           Prescriptions from January 16, 2019 through  
6 August 29th, 2019; and

7           Permanent total disability payments from  
8 August 1, 2018 through April 30th, 2020. This gentleman  
9 qualifies for the yearly increase and his PPD payments  
10 are being reduced by 10 percent for a prior PPD award.  
11 The file contained permanent total disability reports of  
12 employment, Form D-14, from 2018 through 2019.

13           On September 9th, 2019, the patient reported to  
14 Dr. Arger that he had recent biopsies of his left lung  
15 after a CT scan showed a small mass and it was negative.  
16 The patient is now taking iron pills after some recent  
17 lab work. He also complains of fatigue. Medications  
18 were reviewed. It appears the patient follows up every  
19 six months.

20           That is all.

21           BOARD MEMBER WACHTER: Thank you, Vanessa. I'm  
22 very glad that his test came back negative there.

23           Any questions or any comments from you,  
24 Mr. Hooks?

1 MR. HOOKS: No. No. Thank you.

2 BOARD MEMBER WACHTER: Mr. Don?

3 MR. BORDELOVE: No, sir.

4 MR. ECCLES: None from me.

5 BOARD MEMBER WACHTER: Then, we'll turn it over  
6 to the Board. Any questions or comments, questions from  
7 the Board?

8 BOARD MEMBER SMITH: No, sir.

9 BOARD MEMBER FOUNTAIN: None.

10 BOARD MEMBER WACHTER: Okay. In that case,  
11 we'll seek a motion to approve a reimbursement in the  
12 total of \$61,401.80 in the case of C143-03-01086-01. Is  
13 there a motion?

14 BOARD MEMBER WALKER: Motion to approve.

15 BOARD MEMBER FOUNTAIN: This is Rebecca.  
16 Second.

17 BOARD MEMBER WACHTER: I've got a motion from  
18 Allen and a second from Rebecca. Any comment from the  
19 Board?

20 All those in favor, say "aye."

21 (Board members said "aye.")

22 BOARD MEMBER WACHTER: Any opposed?

23 Motion passes. Thank you.

24 And now we will go to item 5.c., case

1 5001-0871-2008-0446, for Hoss Disposal, Incorporated.

2 Vanessa.

3 MS. SKRINJARIC: Okay. It is the

4 Administrator's recommendation to --

5 BOARD MEMBER WALKER: Pardon me, Vanessa, just  
6 one second. I have to recuse --

7 MS. SKRINJARIC: Oh.

8 BOARD MEMBER WALKER: -- recuse myself from  
9 this one, because it's Nevada Transportation.

10 BOARD MEMBER WACHTER: I apologize, Allen. I  
11 should have caught that.

12 BOARD MEMBER WALKER: Not a problem.

13 MS. SKRINJARIC: And sorry about that.

14 Okay. It is the Administrator's recommendation  
15 to accept this second supplemental request pursuant to  
16 NRS 616B.578 for the left knee.

17 The total amount requested for reimbursement is  
18 \$23,329.72. The amount of reimbursement, after costs  
19 were verified, is \$23,329.72.

20 This request was received from Associated Risk  
21 Management, Inc. on June 18th, 2020. This request  
22 contained documentation and/or payment for the following  
23 expenses:

24 Permanent partial disability installment



1 payments in the monthly amount of \$306.97 from  
2 March 28th, 2013 through July 26, 2019.

3 This gentleman received monthly PPD installment  
4 payments until he reached 70 years old. No further PPD  
5 payments are due. The last submission for this claim  
6 was in December 2012.

7 That's all.

8 BOARD MEMBER WACHTER: Thank you, Vanessa.

9 Ms. Larae, do you have anything to add?

10 MS. POLSON: No, thank you.

11 BOARD MEMBER WACHTER: And just to  
12 double-check, Mr. Balkenbush didn't jump on? Okay.

13 MR. HOOKS: No, no. It's still John Hooks for  
14 the remainder of the meeting.

15 BOARD MEMBER WACHTER: Oh, I apologize. You  
16 have this, you have this client as well?

17 MR. HOOKS: No, I do not. I was just -- you  
18 mentioned my name.

19 BOARD MEMBER WACHTER: Oh, okay.

20 MR. HOOKS: So I thought I'd clarify that.

21 BOARD MEMBER WACHTER: Oh, I meant Mr. Staub.  
22 I apologize. Yes, I apologize there. I'm getting  
23 confused on myself.

24 Okay. Well, with that, Chris, anything from

1 you?

2 MR. ECCLES: No, sir. Thank you.

3 BOARD MEMBER WACHTER: Don?

4 MR. BORDELOVE: No.

5 BOARD MEMBER WACHTER: Okay. Any questions  
6 from the Board?

7 BOARD MEMBER FOUNTAIN: None.

8 BOARD MEMBER WACHTER: Okay. Then, in case  
9 5001-0871-2008-0446, we'll entertain a motion to approve  
10 reimbursement for a total of \$23,329.72. Is there a  
11 motion?

12 BOARD MEMBER FOUNTAIN: Motion to approve.

13 BOARD MEMBER SMITH: Joyce Smith. Second.

14 BOARD MEMBER WACHTER: I've got a motion to  
15 approve by Rebecca. I've got a second by Joyce. And  
16 Allen has recused himself. All those in favor, say  
17 "aye."

18 (Board members said "aye.")

19 BOARD MEMBER WACHTER: Any opposed?

20 The motion passes, three approval, one  
21 abstention. Thank you very much for that. And thank  
22 you, Vanessa, for your help there.

23 Agenda item number 6.a., general matters of  
24 concern to the Board. Any member of the Board have

1 anything to add here?

2 Okay.

3 BOARD MEMBER WALKER: No.

4 BOARD MEMBER SMITH: No.

5 BOARD MEMBER WACHTER: 6.b., old and new  
6 business. We start with Vanessa. Anything to add?

7 MS. SKRINJARIC: Not at this time.

8 BOARD MEMBER WACHTER: Okay. Don, anything  
9 from you?

10 MR. HOOKS: I'm sorry to interject, one thing.  
11 Did we cover 5.b., the ending in 1086, for Mineral  
12 County?

13 BOARD MEMBER WACHTER: We did, yes, sir.

14 MR. HOOKS: Okay. Good. Thank you.

15 BOARD MEMBER WACHTER: M-hm (affirmative).

16 Don, anything for 6.b.?

17 MR. BORDELOVE: Nothing from me.

18 BOARD MEMBER WACHTER: Chris?

19 MR. ECCLES: No, sir. Thank you.

20 BOARD MEMBER WACHTER: Okay. Then, on 6.c., we  
21 will schedule our next meeting. Or we have scheduled  
22 the next meeting.

23 Vanessa, what does the docket look like?

24 MS. SKRINJARIC: I currently do not have

1 anything pending. So we are good to skip September for  
2 sure. Obviously, I know we'll be here for October. But  
3 if I recall, Mr. Bordelove is going to have some  
4 conflicts.

5 BOARD MEMBER WACHTER: Okay. Are we in a  
6 position to be able to square those conflicts today, or  
7 is that something you guys need to work on?

8 MS. SKRINJARIC: Donald, I think, you're okay  
9 for October. Is that correct?

10 MR. BORDELOVE: Yeah, I'm fine for October.

11 MS. SKRINJARIC: Okay. The issue then becomes  
12 November and December, correct?

13 MR. BORDELOVE: Right, right. I have hearings  
14 on both of those days.

15 MS. SKRINJARIC: Okay. So, I think, we've been  
16 doing pretty good with going every other month. So at  
17 this time, if the Board wants to cancel the November, we  
18 would then have to just deal with the December conflict.

19 BOARD MEMBER WACHTER: Why don't we do this,  
20 Vanessa. Let's go ahead. We'll keep the October date.  
21 We'll cancel November and December. And then we'll plan  
22 on scheduling a new meeting that we could announce on  
23 October 22nd to cover the November, December time  
24 period. So like I'm thinking like maybe even like the

1 first week in December.

2 MS. SKRINJARIC: Okay. So we want to cancel  
3 November and cancel December?

4 BOARD MEMBER WACHTER: Yeah. Let's reschedule  
5 a new meeting, that we can schedule in October.

6 MS. SKRINJARIC: Okay. So right now, we're  
7 just scheduling for -- we're leaving October 22nd, we're  
8 cancelling November 19 and December 17, correct?

9 BOARD MEMBER WACHTER: Yes. And then we can  
10 also then evaluate the caseload as we get closer to see  
11 if that's even needed.

12 MS. SKRINJARIC: Okay. Perfect.

13 BOARD MEMBER WACHTER: Yeah. And as long as  
14 you'll keep an eye on the date, you know, requirements  
15 for me, that we don't get out of whack on there, then, I  
16 think, we'll be good to go.

17 MS. SKRINJARIC: Okay. Great.

18 BOARD MEMBER WACHTER: Okay. Does any member  
19 of the Board have any questions, comments or problems  
20 with that plan?

21 BOARD MEMBER WALKER: I haven't.

22 BOARD MEMBER SMITH: Nope. Worked.

23 BOARD MEMBER FOUNTAIN: No.

24 BOARD MEMBER WACHTER: Okay. Excellent. Then,

1 in that case, we will move over to agenda item number 7,  
2 public comment.

3 Any member of the public wishing to address the  
4 Board?

5 Okay. Well, with that, I want to thank  
6 Rebecca, Vanessa, Allen, Joyce, Chris, Donald, everyone  
7 for such a quick and efficient meeting. Thank you all  
8 to the public who joined us. And we will see you again  
9 or hear you again October 22nd.

10 The meeting is now adjourned.

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