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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

Monday, October 18, 2021  
10:00 a.m.

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

A P P E A R A N C E S

For the Board:

Bryan Wachter  
Board Chairman, Member

Rebecca Fountain  
Board Vice Chairman, Member

Joyce Smith  
Board Member

Karissa Neff  
Senior Deputy Attorney General  
Board Counsel

For the Division of Industrial Relations:

Christopher A. Eccles, Esq.  
Counsel for DIR

For the Administrator of the DIR:

Ana Aranda  
Compliance Audit Investigator  
Division of Industrial Relations  
Workers' Compensation Section

Also Present:

Robert Balkenbush, Esq.

I N D E X

ITEM	PAGE
1. Roll Call	4
2. Public Comment	5
3. Approval of Agenda For Possible Action	5
4. Approval of Minutes for May 20, 2021 For Possible Action	6
5. Approval of Minutes for July 22, 2021 For Possible Action	7
6. Action on a Recommendation of the Administrator of the Division of Industrial Relations for Approval of the following supplemental request for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers	
a. C143-10-05247-01 Douglas County For Possible Action	7
7. Additional Items:	
a. General Matters of Concern to Board Members Regarding Matters Not Appearing on the Agenda	11
b. Old and New Business	11
c. Schedule of Next Meeting. The following date has been scheduled in advance but is subject to change at any time: November 18, 2021. For Possible Action	12
8. Public Comment	12
9. Adjournment For Possible Action	12

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MONDAY, OCTOBER 18, 2021, 10:00 A.M.

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BOARD CHAIR WACHTER: Excellent. This is the time and place for the Board of the Association of the Subsequent Injury Account for Associations of Self-Insured Public and Private Employers. I call to order.

The first item on our agenda is a roll call. And I will admit, I think, a lot of the players have changed. So instead of me attempting this, if we could go around the room and everyone just identify yourselves for me.

BOARD MEMBER SMITH: This is Joyce Smith.

BOARD MEMBER FOUNTAIN: Rebecca Fountain.

BOARD CHAIR WACHTER: Okay. We've got Joyce and Rebecca. So those are my other two esteemed Board members. And I appreciate. The three of us make a quorum.

And then, I apologize, a little disorganized. Let's do it this way. We have a new DAG from the A.G.'s Office.

MS. NEFF: That's right. This is Karissa Neff. I'm your new Board Counsel from the Attorney General's Office.

BOARD CHAIR WACHTER: Excellent. Thank you for

1 joining us.

2 MS. NEFF: Thank you.

3 BOARD CHAIR WACHTER: I don't know if I have a  
4 new counsel for the State. Is that -- or from the  
5 Administrator, somebody on here?

6 MR. ECCLES: No, you didn't get that lucky.  
7 It's still Chris Eccles. I'm still here.

8 BOARD CHAIR WACHTER: Still. Great. Okay.  
9 Perfect.

10 And then we have an interim administrator, and  
11 that is, I'm guessing, Ana?

12 MS. ARANDA: Yes, Ana Aranda.

13 BOARD CHAIR WACHTER: Okay. Well, perfect. Is  
14 there anybody else from the operation I'm missing?

15 MR. ECCLES: No, sir.

16 BOARD CHAIR WACHTER: Okay. Any members, any  
17 members of the public that have joined us today?

18 MR. ECCLES: None.

19 BOARD CHAIR WACHTER: Okay. I hear none, which  
20 is going to make the next question redundant. But is  
21 there any member of the public that wishes to comment on  
22 any items appearing for the group?

23 Hearing none, we will move to agenda item  
24 number 3, which is the approval of the agenda. It's all  
25 before you. If there are not any changes or revisions,

1 I'll accept a motion to approve the agenda.

2 BOARD MEMBER SMITH: I will motion to approve.

3 BOARD CHAIR WACHTER: I have a motion from  
4 Joyce.

5 BOARD MEMBER FOUNTAIN: And I'll second.

6 BOARD CHAIR WACHTER: I have a second from  
7 Rebecca to approve the agenda. All those in favor, say  
8 "aye."

9 (Board members said "aye.")

10 BOARD CHAIR WACHTER: Any opposed?

11 The motion passes.

12 Agenda item number 4 is to approve the minutes  
13 from May 20, 2021.

14 Karissa, do we have a quorum for both of these  
15 minutes?

16 MS. NEFF: We do have a quorum, yes.

17 BOARD CHAIR WACHTER: Awesome. So, then, if  
18 we -- we did get a copy of those minutes. Are there any  
19 changes or corrections to those?

20 Hearing none, we'll accept a motion to approve  
21 the minutes on May 20, 2021.

22 BOARD MEMBER SMITH: I'll motion to approve.

23 BOARD CHAIR WACHTER: I've got a first from  
24 Joyce. I'm hoping to have a second from Rebecca.

25 BOARD MEMBER FOUNTAIN: Second it.

1 BOARD CHAIR WACHTER: I've got a first and  
2 second. Any discussion on the motion?  
3 All those in favor, say "aye."  
4 (Board members said "aye.")  
5 Any opposed?  
6 Motion passes.  
7 Now we move on to agenda item number 5,  
8 approval of the minutes for July 22nd. Same process,  
9 any questions or revisions to the minutes?  
10 Hearing none, we will entertain a motion to  
11 approve the minutes for July 22nd, 2021.  
12 BOARD MEMBER SMITH: I'll --  
13 BOARD MEMBER FOUNTAIN: Move to approve.  
14 BOARD MEMBER SMITH: -- motion to approve.  
15 BOARD CHAIR WACHTER: We'll change it up.  
16 We'll go, we'll do a first from Rebecca. Joyce, I'm  
17 hoping you'll second.  
18 BOARD MEMBER SMITH: I will second.  
19 BOARD CHAIR WACHTER: Excellent. We got a  
20 first and a second. Any discussion on the motion?  
21 All those in favor, say "aye."  
22 (Board members said "aye.")  
23 BOARD CHAIR WACHTER: Any opposed?  
24 Motion passes.  
25 Agenda item number 6, action on a

1 recommendation of the Administrator of the Division of  
2 Industrial Relations for approval of the following  
3 supplemental request for reimbursement from the account.  
4 This is case C143-10-05247-01 for Douglas County.

5 And I will turn it over to you, Ana.

6 MS. ARANDA: Thank you.

7 Administrator's recommendation. It is the  
8 Administrator's recommendation to accept this third  
9 supplemental request pursuant to NRS 616B.578 for the  
10 lumbar spine.

11 Amount of reimbursement. The total amount  
12 requested for reimbursement is \$13,951.89. The amount  
13 of reimbursement, after costs were verified, is  
14 \$12,688.04. An explanation of the disallowance is  
15 attached to this recommendation memo.

16 Background. This request was received from  
17 Robert Balkenbush, Attorney, on July 12th, 2021. This  
18 claim was originally approved by the Board on  
19 November 20th, 2014.

20 This request contained reporting and/or payment  
21 for the following expenses:

22 ER visit on October 9th, 2019;

23 Pain management appointment with Dr. Goode's  
24 office from February 6th, 2020 through  
25 February 25th, 2021.



1 Drug screening on February 6th, 2020;  
2 September 10th, 2020; and February 25th, 2021;  
3 Prescriptions from December 11th, 2019 through  
4 May 12th, 2021.

5 On October 9th, 2019, the employee presented to  
6 Carson-Tahoe Regional Healthcare emergency room  
7 complaining of left hip pain, abdominal pain, and rectal  
8 pain. These are all conditions that are not accepted  
9 for subsequent injury reimbursement. A CT scan was  
10 performed, which was essentially normal. He was given  
11 some Valium and released.

12 The employee continues to treat with Dr. Goode  
13 where he receives MS Contin, Oxycodone and Lyrica for  
14 his low back pain. He also routinely undergoes urine  
15 drug testing. At his last office visit on  
16 February 25th, 2021, Dr. Goode noted the employee is  
17 currently treating in the wound clinic for profound  
18 lower extremity cellulitis and edema, nonindustrial,  
19 pages 1 through 3.

20 That is all.

21 BOARD CHAIR WACHTER: Thank you for that.

22 We didn't have anybody on the phone. So I  
23 don't know if there's anybody here on behalf of the  
24 claimant.

25 MR. ECCLES: We have Mr. Balkenbush, sir.

1 BOARD CHAIR WACHTER: Oh, I do have  
2 Mr. Balkenbush.

3 Do you have any comment, Mr. Balkenbush?

4 MR. BALKENBUSH: Just one, Mr. Chairman, and  
5 that would be that we agree with the Administrator's  
6 recommendation to accept this third supplemental  
7 request.

8 BOARD CHAIR WACHTER: I had a feeling you might  
9 say that. Thank you, sir.

10 Chris, any comments or direction from you?

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

12 BOARD CHAIR WACHTER: And, Karissa, anything  
13 the Board should be aware about before we make this  
14 decision?

15 MS. NEFF: No, nothing.

16 BOARD CHAIR WACHTER: Perfect. In that case,  
17 then I will turn it over to the Board. Does the Board  
18 have any questions for anybody?

19 BOARD MEMBER FOUNTAIN: None from me.

20 BOARD CHAIR WACHTER: Okay. It doesn't sound  
21 like we do. So in that case, we will entertain a motion  
22 in case C143-10-05247-01 as a supplemental reimbursement  
23 in the amount of \$12,688.04. Do I have that motion?

24 BOARD MEMBER SMITH: I'll motion to approve.

25 BOARD CHAIR WACHTER: I have a motion to

1 approve.

2 BOARD MEMBER FOUNTAIN: And I'll second it.

3 BOARD CHAIR WACHTER: I have a second from  
4 Rebecca. Any comments on the motion from the Board  
5 members?

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

7 (Board members said "aye.")

8 BOARD CHAIR WACHTER: Motion passes  
9 unanimately. Thank you very much.

10 That will end agenda item number 6.

11 And we'll move on to agenda item number 7,  
12 general matters of concern to the Board not on the  
13 agenda.

14 Rebecca or Joyce, anything to add here?

15 BOARD MEMBER SMITH: Would Board counsel please  
16 send her contact information to us?

17 MS. NEFF: Sure, I will make sure I do that  
18 today.

19 BOARD MEMBER SMITH: Thank you.

20 BOARD CHAIR WACHTER: Okay. Rebecca, anything  
21 for you here?

22 BOARD MEMBER SMITH: No, I'm fine. Thank you.

23 BOARD CHAIR WACHTER: No problem. Okay.

24 So we'll move on to 7.b., old and new business.

25 I'll turn it over to Karissa, if you have

1 anything here.

2 MS. NEFF: I don't have anything.

3 BOARD CHAIR WACHTER: Chris?

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

5 BOARD CHAIR WACHTER: Ana? Is it "An-ah" or  
6 "Aun-ah"? I don't want to keep being wrong. Can you --  
7 I apologize. Could you say it one more time.

8 MS. ARANDA: "Aun-ah."

9 BOARD CHAIR WACHTER: Ana. Okay. I apologize.  
10 Anything from you, Ana?

11 MS. ARANDA: No. Thank you.

12 BOARD CHAIR WACHTER: Okay. Then, we will move  
13 on to 7.c., the scheduling of the next meeting we have  
14 down for November 18th, 2021. Does anyone have any  
15 reason that date doesn't work any longer?

16 Okay. Sounds like we are good. We'll see  
17 everyone or hear everyone again on November 18th, 2021.

18 Moving to agenda item number 8. Any comments  
19 from the public?

20 Going once. Okay.

21 Then, we'll move on to agenda item number 9.

22 And we will adjourn at 10:20 a.m.

23 Thank you, everyone, for your hard work. And  
24 if you need anything at all, I think, we've got an  
25 excellent new staff here that can help us out.

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MR. ECCLES: Thank you, sir. Good morning.

BOARD MEMBER FOUNTAIN: Thank you.

MS. NEFF: Thank you.

MS. ARANDA: Thank you.

BOARD CHAIR WACHTER: Okay. Bye.

MR. ECCLES: Bye.

MS. NEFF: Bye.

BOARD MEMBER SMITH: Bye.

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