

NEVADA WORKERS' COMPENSATION CHRONICLE

Department of Business & Industry
A Publication of the Workers' Compensation Section

Division of Industrial Relations
Spring Edition 2015

This newsletter is not intended to provide legal advice to the reader. Legal opinions or interpretations of statutes and regulations referenced should be sought from legal professionals.

5th Annual Nevada Workers' Compensation Educational Conference

The State of Nevada Workers' Compensation Section is holding its 5th Annual Educational Conference August 20 through August 21 at the Tuscan Suites Hotel in Las Vegas. At this year's two-day conference, attendees will learn about PPD trends and the future of workers' compensation in Nevada. Sessions will cover a wide array of workers' compensation related topics including legislative changes, audit and enforcement issues and solutions, as well as legal and medical information. It is a great opportunity to hear from speakers who are experts in their fields and get a chance to participate in a great networking atmosphere with workers' compensation colleagues. Last year's conference had 37 exhibitor booths and 14 topic sessions including the dynamic "*Violence in the*

(Continued on page 3)

HOT TOPIC

Gary Bell Named New Northern District Manager

The Nevada Department of Business and Industry, Division of Industrial Relations Workers' Compensation Section is pleased to announce the promotion of Gary Bell to the position of Northern District Manager. He is filling the position left open by Dawn Saucedo, who recently retired January of this year. Gary had supervised the Employer

Compliance Unit in Carson City for the previous three years, and has been an investigator with the agency since 2000. His previous experience was as an investigator and supervisor with Employers Insurance Company of Nevada, and with its predecessor, the former State Industrial Insurance System. His State employment began with the Nevada Welfare Division, working in both the

(Continued on page 2)



WCS Medical Unit Billing Concerns

The Nevada Medical Fee Schedule was revised and is effective for dates of service February 1, 2015 through January 31, 2016.

The Division of Industrial Relations, Workers' Compensation Section Medical Unit is often asked to assist in resolving billing disputes. We receive many requests to issue determinations in situations involving a contractual agreement for reimbursement. We are unable to issue determinations regarding contractual disagreements. If a provider has contracted with an insurer or third-party administrator for a rate reduction, the disputing party should re-examine the contract and contact legal counsel as needed to determine the validity of the reductions taken. In any situation, if the DIR/WCS has made or is unable to make a determination, a party is able to request a hearing through the Appeals Office of the Department of Administration.

The notice of appeal must be sent to the Department of Administration, Appeals Office, 2200 South Rancho Drive, Suite 220, Las Vegas, Nevada 90102 or the Department of Administration, Appeals Office, 1050 East Williams Street, Suite 450, Carson City, Nevada 89710.

The Medical Unit receives many requests to investigate reimbursement complaints. In most of these situations, we need to ask for additional information from the complainant. The following documentation is generally required to begin investigating a complaint: corresponding medical bill(s), explanation of benefits (EOB/EOR), correspondence sent and received regarding the issue, record of attempts to resolve the issue and a brief, written explanation describing the specific concern. More specific information may also be requested depending on the nature of the complaint.

As a reminder, billings for health care services must be submitted within 90

(Continued on page 4)

Inside this issue:

2015 Educational Conference	1
Hot Topic	1
Billing Concerns	1
Fraud Watch	2
Myth vs Reality	3
Reporting Reminders	3
Hails, Farewells, Promotions and Awards	4
State Holiday Office Closures	4

(Bell Continued from page 1)

eligibility intake unit and the investigations section. Gary also has experience in claims adjusting and investigation, having worked for an independent adjusting firm and an automobile insurance carrier. He received his Bachelor of Science degree in Justice Studies from Arizona State University in 1985. Gary has had the opportunity to speak in conjunction with other industry professionals at two of the most recent Nevada Workers' Compensation Annual Educational Conferences. While his experience in WCS has mainly been focused on enforcing Nevada's workers' compensation laws in relation to employer compliance, he is looking forward to his new duties overseeing all aspects of the WCS mission. On a recent trip to Hawaii, Gary proposed to his longtime girlfriend Susan. The two plan to marry sometime next summer. In his spare time, Gary enjoys camping, gardening, home improvement projects and spending time with his grandson. He also enjoys rehearsing and performing as part of the percussion section in the Reno Pops Orchestra.

Please direct comments or suggestions about this newsletter to:

Alma Johnson, Assistant Editor
(702) 486-9019 or

Email: aljohnson@business.nv.gov

MISSION STATEMENT

The purpose of the Workers' Compensation Section is to impartially serve the interests of

Nevada employers and employees by providing assistance, information, and a fair and consistent regulatory structure focused on:

Ensuring the timely and accurate delivery of workers' compensation benefits.

Ensuring employer compliance with the mandatory coverage provisions.

FRAUD WATCH

Department of Business and Industry

Fight Fraud Task Force

Every day citizens of Nevada and others throughout the country run the risk of being victimized by fraud one way or another; hence, there is a great need to be able to assist the community. The Fight Fraud Task Force mission is to provide information to the public concerning activities occurring within the State of Nevada, and improving the quality of services to consumers and making Nevada a better place to do business.

Next Quarterly Meeting

Date: Wednesday, April 22, 2015 at 8:30 a.m.

Location: Attorney General's office in Las Vegas at 555 E Washington Ave. 4th Floor, Suite 4500, with videoconference to their mock courtroom in Carson City at 100 N. Carson Street, Carson City.

Subject: IRS impersonation scam that is victimizing people in the Las Vegas valley by collaborating with business owners that sell ANY type of prepaid card, Greendot, Reloadit, Monepak, etc., as well as working with other forces.

Guest Speaker: John Kirk, Special Agent Treasury Inspector General for Tax Administration (TIGTA)

Special Agent Kirk has held the position of Special Agent with the Treasury Inspector General for Tax Administration in Las Vegas, Nevada since January of 2006. He graduated from the Federal Law Enforcement Training Center in Glynco, Georgia. His training consisted of criminal investigative training including courses in law enforcement techniques, federal criminal statutes, conducting criminal investigations, interviewing, and the execution of search and arrest warrants. The training also included a Special Agent Basic Training course which included courses covering criminal investigations more commonly worked by the Treasury Inspector General for Tax Administration. As a Special Agent, he worked several financial crimes investigations, and assisted in the preparation and execution of arrest warrants and search warrants.

Prior to becoming a Special Agent, he was a Revenue Agent for the Internal Revenue Service for approximately four years. In May of 1992, he obtained a Bachelor of Science in business Administration with a concentration in Accounting, from Rider University in Lawrenceville, New Jersey.

Special Agent Kirk will share his wealth of information and expertise with the Fight Fraud Taskforce members in which we are very pleased and grateful. We are confident the FFTF members will benefit from this meeting and look forward seeing all of you.

Fight Fraud also receives complaints via email at www.fightfraud.nv.gov and must be in a written correspondence form which means the consumer will have an opportunity to have their complaint reviewed by an investigator to determine a resolution. We identify the issues from both the business and constituent and negotiate an agreement in an attempt to resolve any disputes.

Contact Info:

Cris Carmona, Chair
(702) 486-5326

ccarmona@business.nv.gov

Miriam Hickerson, Co-Chair
(702) 486-4575

mhickerson@business.nv.gov

*By working together and being aware,
you can help protect yourself and your loved ones!*

Myth VS Reality

Pay Attention Now or Pay Later

The following myth and reality aims to address common misconceptions dealing with workers' compensation insurance compliance issues.

Myth: I do not have employees because I only hire "1099s," so I don't need to secure workers' compensation insurance.

Reality: A challenging area of workers' compensation involves independent contractors who are often referred to as "1099s." It is important that each working relationship be thoroughly examined before an employer classifies an individual as an independent contractor and not an employee for the purposes of workers' compensation insurance. A "1099" does not always eliminate the employee-employer relationship. NRS 616B.603 pertains to Independent Enterprises and should be considered to determine if you could be deemed an employer under this provision.

In order to not be deemed the employer under the "independent enterprise exemption," 1.) You must not be "in the same trade, business, profession or occupation" as the person or business with whom you contract. And 2.) The person or business with whom you contract must be an independent enterprise. Otherwise, workers' compensation coverage is required.

Incorrectly deeming employees as independent contractors can lead to serious consequences. According to the Attorney General's office this misconception does not preclude employers from being criminally prosecuted. In addition, if an employer-employee relationship exists, the employer will pay a premium penalty for the time the employer was uninsured as well as any costs relating to an uninsured claim, which can be significant depending of the severity of the injury. The consequences for being uninsured could be catastrophic to some companies.

Angelia Yllas

Compliance Enforcement Supervisor

NCCI Announces Workers' Compensation Coverage Verification Service Mobile App

NCCI's mobile application called "Workers Compensation Coverage Verification" is now available through the Apple Store and Google Play Store.

Workers Compensation Coverage Verification (WCCV) will be the mobile answer to verifying workers' compensation coverage on the go in over 30 states. Whether you're an employee, doctor, lawyer or a general contractor and you need to determine if workers comp insurance is in force or was in force on a particular date in time, the WCCV app will provide insight to coverage information.

Look for the app in the Apple Store now! Also available through the Google Play Store for Android devices!



(Conference Continued from page 1)

"Workplace" opening session presentation given by the United States Marshal, Christopher Hoye III. We are fortunate to have him speak again this year. Last year's presentation was very engaging and informative and the feedback was overwhelmingly positive.

The 2014 conference was very beneficial to those working in the workers' compensation arena. The 2015 Workers' Compensation Educational Conference promises to be a valuable experience. If you would like to attend, sponsor, or be an exhibitor, please register at iwcf@bellsouth.net.

Alma Johnson
Assistant Editor

Photo credit: TravelNevada.com

Reporting Reminders

FY14 WCS Workers' Compensation Claims Activity Report and **Insurer Information Form** pursuant to NRS 616B.009 and NAC 616B.016 were due **January 30, 2015**. Links to the blank forms and instructions were distributed via e-mail on December 15, 2014 and can be found on our Web site at <http://dirweb.state.nv.us/wcs/wcsanrp.htm>.

Insurers that have not submitted these reports should do so immediately.

OD-8 Occupational Disease Claim Report (NRS 617.357) is an ongoing reporting requirement whereby certain occupational diseases of the heart or lungs, and infectious diseases or cancer are required to be reported to the Division of Industrial Relations (DIR).

Per NRS 617.357, insurers are required to submit an OD-8 Report for any claimant who meets both of these criteria: claimant whose profession is a firefighter, police officer, arson investigator or emergency medical attendant and for whom all corresponding claims are filed pursuant to NRS 617.453, 617.455, 617.457, 617.481, 617.485 or 617.487.

The claim must be reported to the DIR within 30 days after the insurer accepts or denies the claim. Additionally, the insurer is required to notify the DIR in writing within 30 days after the claim is appealed; affirmed, modified or reversed on appeal; or is closed or reopened.

Failure to submit the required reports may result in administrative fines.

Questions may be directed to
WCS Research and Analysis at
(702) 486-9080 or to
wcsra@business.nv.gov.

CONTACT US

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

SOUTHERN NEVADA

(702) 486-9080 / Fax: (702) 990-0364

NORTHERN NEVADA

(775) 684-7270 / Fax: (775) 687-6305

<http://dirweb.state.nv.us/WCS/wcs.htm>
WCSHelp@business.nv.gov



Welcomes, Farewells, and Promotions

(Billing Continued from page 1)

days after the date of service unless good cause is shown for a later billing.

In no event may an initial billing for health care services be submitted later than 12 months after the date of service, unless good cause is shown. The insurer or a person authorized by the insurer must also receive a bill submitted for **reconsideration** within 12 months after the date of service, unless good cause is shown.

After the appeals process has been completed with the insurer, third-party administrator or managed care organization, please contact the WCS timely for further assistance with a billing issue.

Lastly, Nevada Administrative Code (NAC) 616B.010 (2) requires all correspondence and other documents concerning a claim to be addressed to the insurer, third-party administrator, or managed care organization at one of its offices located in Nevada.

Although some waivers have been granted to send documents to an out of state scanning center, medical bills and C-4 Forms are generally exempted. These documents must be mailed to an address in Nevada.

Katherine Godwin
WCS Medical Supervisor

Photo credit: TravelNevada.com

Holiday Office Closure:
Memorial Day
Monday, May 25, 2015



Farewell to **Dawn Saucedo** who retired on January 9, 2015. She received a proclamation by the State Governor, Brian Sandoval, which made the date of her retirement a day in her honor and stated that she, *"...has served the Silver State with distinction for 30 years in support of Nevada Workers' Compensation programs for the State Industrial Insurance System, Industrial Insurance Regulation Section and the Workers' Compensation Section"*. Dawn worked for DIR as the Northern District Manager and previously as the Supervisor of the Northern District Employer Compliance Unit, and is known for her positive attitude, hard work and dedication. We wish her a very happy retirement.

Welcome to **Angelique Norte**, the new Administrative Assistant III to the Chief Administrative Officer and to the Southern District Manager in the Workers Compensation Section. Originally from Chicago, Illinois, Angie has lived in Nevada most of her life. She joined the DIR/WCS in December 2014. She is currently a student at UNLV with a goal of obtaining an MBA in Public Administration.

In the few months since she has been part of the Workers' Compensation Section, Angie has become a valuable team member. She is friendly and caring and looks out for everyone in the office. When she isn't working she enjoys a good game of softball and spending quality time with her family and friends.



Welcome to **Anise Rhodes** the newest member to the Workers' Compensation Section. She accepted the Administrative Assistant II position in December 2014 and is now a valuable employee in the department. Anise is originally from California and has spent most of her life in Nevada. You will often find her reading during her lunch hour and breaks. She enjoys a good book and appreciates a wide range of literature. On her days off, Anise likes to be surrounded by her friends and large extended family, and she also relishes calm moments relaxing in front of the television.

Welcome to **Gina Reynolds**, our new Compliance Audit Investigator II, to the Carson City Workers Comp Section, Employer Compliance Unit. She brings nine years of Compliance/Audit experience from our sister agency in Business and Industry, Nevada Transportation Authority and is excited to be part of the team. When she's not working, you'll find her at Governor's Field watching her two sons play baseball, football, or volunteering in the snack shack.



Welcome to April Beets, she is the new Administrative Assistant, at the Workers' Compensation Section in Reno, and began working for the DIR this past February. Originally from California, April is new to Nevada, having moved here a little over a year ago. In her spare time she enjoys photography, taking walks, reading and spending time with Stripey, her cat.

Farewell to **Kevin Jackson** who was the manager of the Workers' Compensation Section Education Research and Analysis Unit for two years. He is moving forward to pursue his higher education goals. Kevin is a person with many talents and personal interests. We have all tasted his delicious meals and seen many of his wood work projects. We wish him the best in his future endeavors.

