



NEVADA WORKERS' COMPENSATION CHRONICLE

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

Division of Industrial Relations Fall Edition
(September 2019-November 2019)

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.

9th ANNUAL WORKERS' COMPENSATION EDUCATION CONFERENCE

The 9th Annual Workers' Compensation Educational Conference was held August 22nd & 23rd, 2019, at the Tuscany Suites and Casino. This year, 291 attendees, 22 exhibitors and 2 sponsors participated in the conference. The return of many attendees year after year reconfirms the value of our program for the Nevada workers' compensation community. The Conference included speakers and panels from a cross-section of industry professionals, including state regulators, attorneys and medical professionals, addressing topics such as workers' compensation legislative update, subsequent injury, claimant fraud, return to work practices, social media culture, pain management and much more. Attendees and presenters engaged in lively participation, dialogue and exchanged ideas on various aspects of workers' compensation and industrial relations, the hallmark of a successful conference.

The Workers' Compensation Section hosts the annual conference in cooperation with the International Workers' Compensation Foundation (IWCF). IWCF is a non-profit corporation that specializes in research and education regarding workers' compensation. They sponsor numerous workers' compensation conferences throughout the country each year.

We look forward to next year's conference to be held September 24 & 25, 2020 at the Tuscany Suites and Casino. Hope to see you all there!



Chuck Verre, Tori Carreon, Michael Brown and Don Smith get ready to kick off the conference.



Don Smith discussing the 2019 Legislative Update.



Vanessa Skrinjaric and Kasey McCourtney (Cannon Cochran Management) speak about tips for successful subsequent injury applications.



Sue Buswell and Ruth Ryan answer questions at the Workers' Compensation Section CARDS booth



Katherine Godwin, Debbie Atkinson and Jana Hermann speak about keys to successful compliance



Conference attendees listen to the 2019 Legislative Update by Don Smith. Photo Credit- Director Michael Brown

FY 2020 Maximum Compensation Guidelines Posted



The state's maximum average monthly wage memo for fiscal year 2020, effective July 1, 2019, has been posted on the WCS web site. The FY 2020 maximum monthly disability compensation is \$4,064.40, an increase from last year's figure.

The FY20 Maximum Compensation Guidelines memo is located on the "Important Changes" page which is accessed via the link under "What's Hot!" on the main page. It provides a chart with Maximum Compensation rates going back to FY 1975.

<http://dir.nv.gov/uploadedFiles/dirnv.gov/content/WCS/ImportantDocs/FY20%20Max%20Comp%20Calc%20and%20Signed%20Memo.pdf>

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Ask the Advisors Tax Seminar

The Department of Taxation hosts a monthly basic training workshop for new and existing businesses in Nevada. This training workshop has been instrumental in providing information taxpayers need to know about how their account is handled within the Department of Taxation. The workshop is a great place to learn about taxpayers' responsibilities, get answers to tax questions and learn about what to expect in the event of an audit.

In addition to the Taxation presentations, workshops include guest presentations by the Internal Revenue Service (IRS) on forms and reporting requirements; the State of Nevada Workers' Compensation Section Employer Compliance Unit on workers' compensation requirements; the Office of the State Treasurer on information regarding unclaimed property; and SCORE, a non-profit organization sponsored by the Small Business Administration, who will provide information on the free services and counseling they offer to businesses.

Anyone interested in attending a basic training workshop should contact the office of the Department of Taxation at (702) 486-2354 to make a reservation. <https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/Meetings/ATA-Flyer-South-2019.pdf>



Committed To Our Business Community

The Regional Business Development Advisory Council hosted its 8th annual Committed to Our Business Community supplier outreach expo on August 22, 2019. The Workers' Compensation Section (WCS) was able to reach out to and provide information on various topics to numerous Nevada business owners. This is one of the largest and most comprehensive business resource events in Las Vegas bringing together Nevada's business community with local, state and federal government agencies as well as other resource organizations. There were approximately 71 exhibitors and over 300 attendees. This event assisted the WCS in achieving our goal to increase awareness and to educate employers on the statutory requirement for workers' compensation. This in turn, will help to promote an organized and safe work environment and will help to prevent costly uninsured employer claims and employer sanctions. For more information you can visit their website at <https://www.clarkcountynv.gov/administrative-services/purchasing/Pages/RegionalBusinessDevelopmentAdvisoryCouncil.aspx>



WCS Compliance Audit/Enforcement investigator Jerome Carter answering attendees questions

Veterans Village



The Division of Industrial Relations (DIR) team will be collecting non-perishable food items and personal products from late September through November 7, 2019 to be delivered to Nevada's veterans. This is the 4th year that DIR has partnered with Veterans Village to assist southern Nevada Veterans. Veterans Village has been caring for the needs of our homeless veterans for the last seven years. Future plans include Veterans Village Women's and Family Housing as well as instant built houses, housing units made from a standardized, recycled ISO shipping container. We look forward to our ongoing relationship with such an important organization of our community.

Outreach to Nevada Consulate of Mexico

The Workers' Compensation Section partners with the Nevada Consulate of Mexico monthly to increase awareness and inform Mexican and Latino communities about fundamental labor rights, as well as the resources available to them. The Consulate requested that WCS provide outreach for two hours each month in order to raise awareness within Nevada's immigrant communities regarding labor rights.



WCS Compliance Audit/investigator Ana Aranda

COLAs for Permanent Total Disability and Death Benefits

The 2019 Nevada Legislature passed a number of workers' compensation bills. As a result, some injured workers and their dependents are entitled to receive an increase in benefits starting in January 2020.

Permanent Total (PT) Disability Benefits:

Injured employees receiving Permanent Total (PT) Disability benefits resulting from an injury or disablement that occurred **prior to January 1, 2004** are now entitled to a **2.3% annual increase in their monthly benefits paid by insurers** starting in January 2020. These injured workers join the injured workers that are receiving PT benefits as a result of injuries or disablements occurring on or after January 1, 2004 that are already entitled to the annual increase pursuant to NRS 616C.473.

Senate Bill 377 (SB 377), effective July 1, 2019, of the 2019 Nevada Legislature does 3 things:

- 1) Repeals NRS 616C.453 thereby **eliminating the annual payment from DIR** to injured employees who are receiving PT benefits as a result of an injury or disablement occurring prior to January 1, 2004;
- 2) Amends NRS 616C.473 to include **all PT injured employees in providing for a 2.3% annual increase in the monthly benefit paid by insurers** starting on January 1, 2020 and every January thereafter; and
- 3) Provides **insurers the opportunity to request reimbursement from DIR** for the costs associated with the increase in payments to those injured employees who receive PT benefits as a result of an ***injury or disablement occurring prior to January 1, 2004***. Reimbursement requests can be made prior to March 31, 2021 for the payments made in 2020 and will be subject to WCS verification and approval.

WCS notified insurers and TPAs of the changes resulting from SB 377 via email on July 3, 2019. A copy of the notice can be found on our website under "What's Hot!" – [SB 377 \(2019\) – Notice of Suspension of Annual PT Data Call \(7/3/19\)](#). Injured workers that had received an annual payment from the DIR in 2018 pursuant to NRS 616C.453 and would likely be affected by SB 377 were notified by US Mail in August 2019 that they would not be receiving an annual payment from DIR in 2019 but can expect an annual increase in their monthly benefits from their insurer starting in January 2020.

Death (Survivors') Benefits:

Widows, widowers, surviving children or surviving dependent parents who are entitled to death benefits pursuant to NRS 616C.505 are now entitled to a **2.3% annual increase in their monthly benefits paid by insurers** starting on January 1, 2020.

Assembly Bill 370 (AB 370), effective July 1, 2019, of the 2019 Nevada Legislature does 3 things:

- 1) Provides a **2.3% annual increase in the monthly benefit paid by insurers to all survivors** receiving death benefits starting on January 1, 2020 and every January thereafter;
- 2) Provides a **"catch up" provision** for establishing the benefit amount for which the 2.3% annual increase is applied starting in January 2020 for 2 groups of survivors:
 - a) for those receiving benefits related to an injury or disablement occurring **prior to January 1, 1989: 2.3% compounded 3 times**;
 - b) for those receiving benefits related to an injury or disablement occurring **on or after January 1, 1989 and before January 1, 1994: 2.3% compounded 2 times**; and
- 3) Provides **insurers the opportunity to request reimbursement from DIR** for the costs associated with the increase in payments to those survivors who receive death benefits as a result of an ***injury or disablement occurring prior to July 1, 2019***. Reimbursement requests can be made prior to March 31, 2021 for the payments made in 2020 and will be subject to WCS verification and approval.

Insurers and TPAs are encouraged to familiarize themselves with the specific language in [SB 377](#) and [AB 370](#), and verify the accuracy of PT rates and survivors' benefit amounts prior to January 2020 to avoid inaccurate calculations and payments. WCS will provide additional information regarding instructions for requesting reimbursements and possible training opportunities related to SB 377 and AB 370 as they become available.

REPORTING REMINDERS

- ✓ **The Annual Permanent Total (PT) Disability Claim Reports (NRS 616C.453)** reporting is no longer required starting in 2019. Senate Bill (SB 377) of the 2019 Nevada Legislature repealed NRS 616C.453 effective July 1, 2019. Insurers were notified of the suspension of the annual PT data call via email notification on July 3, 2019. For more information, see the notice to insurers and third-party administrators on our website at <http://dir.nv.gov/uploadedFiles/dirnv.gov/content/WCS/InsurerReportingDocs/Notice%20of%20Annual%20PT%20Data%20Call%20Suspension%207-3-19.pdf>
- ✓ Watch for our annual email requiring insurers to review and update their **Insurer Information Forms** in CARDS coming soon. Insurers must notify WCS of any changes such as name, address, phone and fax numbers, as well as changes in TPAs by submitting an **Insurer Information Form** via our CARDS web portal annually and within 30 days of any changes.
- ✓ TPAs must also notify WCS of any changes in contact information within 30 days by submitting the **TPA Information Form** via the CARDS web portal. For information on how to submit the **Insurer Information Form**, see the Quick Steps guide on our website at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/. For information on CARDS, please visit the CARDS Web page at <http://dir.nv.gov/WCS/cards/>.
- ✓ **(OD-8) Occupational Disease Claim Report(s) (NRS 617.357)** is an ongoing reporting requirement. The OD-8 form was updated in July 2018 to include the claimant's first and last name and appeal number fields to assist the DIR in implementing and enforcing the requirements set forth in AB 267 (2017). **Please remember to report updates to reportable claims such as appeals and decision information, estimated claim costs, claim closure and reopening information. The 2018 Occupational Disease Claims Report** has been compiled and is available on our website at <http://dir.nv.gov/uploadedFiles/dirnv.gov/content/WCS/InsurerReportingDocs/2018%20OCC%20DISEASE%20REPORT.pdf>
- ✓ **Proof of Coverage (POC):** Private carriers must also report information to NCCI within 15 days of the effective date of the issuance, renewal, cancellation, nonrenewal, reinstatement or reissuance of a policy of workers' compensation insurance. Private carriers are reminded that nonrenewal transactions are required to be reported, because Nevada is not a continuous coverage state. See **NCCI Circular FYI-POC-NV-2019-01 on our website for more information:** <http://dir.nv.gov/uploadedFiles/dirnv.gov/content/WCS/InsurerReportingDocs/FYI-POC-NV-2019-01.pdf>.
- ✓ A **D-35 Request for a Rotating Physician or Chiropractor** must be submitted to WCS prior to any PPD impairment evaluation being scheduled with a rater. Before WCS can process a D-35, the claim must be reported to the Claims Index System. If the claim has not been reported, submit the **D-38 Injured Worker Index System Claims Registration Document** via the CARDS web portal or by submitting the fillable form found on our website.
- ✓ **Coming soon! The FY19 WCS Workers' Compensation Claims Activity Report** pursuant to NRS 616B.009 and NAC 616B.016. Projected due date for this report will be late 2019. Links to the blank form and instructions will be updated in the coming weeks on our web site at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/ and an email notification will go out to all workers' compensation insurers and TPAs.

Information on reporting requirements and forms can be found on our web site at <http://dir.nv.gov/WCS/Home/> under "Insurer and TPA Reporting" or go directly to our page at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/. Contact the WCS Research and Analysis Unit by phone at (702) 486-9080 or by email at wcsra@business.nv.gov if we can be of any assistance.



CARDS

Claims and Regulatory Data System

<<Click here to login or register>>

Questions about Workers' Compensation?
Click Here!



WCSHelp@business.nv.gov

WCS 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.



Hails and Farewells and Promotions



After 26 years of state service, **Judy Cheun** retired on August 2, 2019. Judy's most current position with Workers' Compensation Section was Compliance Audit Investigator III in the Benefit Penalty Unit where she investigated allegations of insurer or TPA misconduct. She looks forward to traveling and enjoying time with her family. Judy will be greatly missed by all her co-workers. We wish her a very happy retirement.

Welcome **Andrea Fierle** to the Carson City Employer Compliance Unit. Andrea is the new Administrative Assistant II replacing Heather VanCleave. Andrea previously worked for the Department of Motor Vehicle. Before working for the State of Nevada, Andrea spent almost five years working in veterinary medicine. While she is not a native Nevadan, Nevada is home! She grew up in a Marine Corps family, which came with living some amazing places like Oahu and Okinawa. After her father's retirement, they came back to Nevada and all decided to stay in the area. She loves travelling, and favorite trips have been to China, Vietnam and England, as well as all over the United States. Her hobbies include sewing, cooking, reading, kayaking, family time, and all around outdoor adventures.



Congratulations to **Alisa Reed** who was promoted in July to the position of Uninsured Employers' Claim Account (UECA) Coordinator with the Division of Industrial Relations Workers' Compensation Section. She previously a Compliance Audit Investigator II in the audit unit for almost 7 years.

Congratulations to Marisa Santizo who was promoted to Administrative Assistant II with the Las Vegas Workers' Compensation Section's Audit Unit. Marisa brings a wealth of customer service and administrative support experience. Her experience as an Administrative Assistant I at the Division of Industrial Relations will also afford her the opportunity to continue to grow her knowledge in workers' compensation. Marisa's positive attitude and desire to learn will help her to be a successful member of the Audit team.



Congratulations to **Maria Ledesma** the new Administrative Assistant II to the Las Vegas Workers' Compensation Section Research and Analysis Unit (R&A). Prior to her current position, she was the D-35 Coordinator for the Medical Unit. Maria worked in both in the physical therapy and orthopedic field for 15 years. Originally from Southern California, Maria moved to Las Vegas in 2007. On her time off she enjoys reading, traveling, being outdoors and spending time with her two boys.

FY 2020 Actuarial Annuity Table Posted

Ray Fierro, Administrator of the Division of Industrial Relations, adopted the Actuarial Annuity Table for fiscal year 2020, effective July 1, 2019.

The table has been posted on the WCS web site and can be found under "What's Hot!" on the WCS home page.

http://dir.nv.gov/uploadedFiles/dirnv.gov/content/WCS/ImportantDocs/2019%20Signed%20Notice_Ann_Table.pdf

Pursuant to NRS 616C.495(5), the table must be reviewed annually by a consulting actuary.

Training Sessions

Classes taught live in
SOUTHERN NEVADA
3360 West Sahara Avenue, Suite 250
Las Vegas, Nevada 89102
krissi.garcia@business.nv.gov
(702) 486-9105

Classes taught via video conference
in
NORTHERN NEVADA
400 West King Street, Suite 400
Carson City, Nevada 89703
(775) 684-7265

To view or register for classes:
<http://dir.nv.gov/WCS/Training/>



WCS Basic Orientation
10/10/19 at 9:00 am
10/10/19 at 1:30 pm

C-4 Process & Using CVS
10/16/2019 at 9:00 am

Medical Billing
10/16/2019 at 1:00 pm

HOLIDAY OFFICE CLOSURES

Labor Day

Monday, September 2, 2019

Nevada Day (Observed)

Friday, October 25, 2019

Veterans Day

Monday, November 11, 2019

Thanksgiving

Thursday, November 28, 2019

Family Day

Friday, November 29, 2019

CONTACT WCS

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Division of Industrial Relations
Workers' Compensation Section

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<http://dir.nv.gov/WCS/Home/>

WCSHelp@business.nv.gov

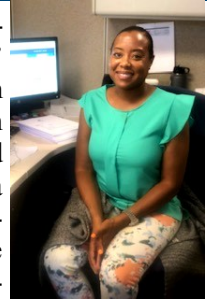
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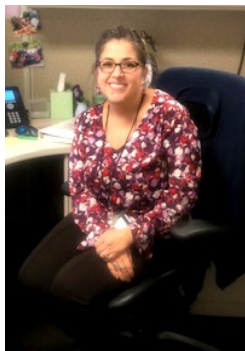


A big welcome back to **Rosalyn Jackson**, the newest Compliance Audit Investigator II in the Las Vegas Workers' Compensation Section Audit Unit. She previously worked in our agency for over 6 years. Rosalyn has been working in the workers' compensation industry since 1993. She worked as a claims examiner, and in the county sector. Rosalyn is a Las Vegas native who graduated from UNLV with a Bachelors degree in Criminal Justice. She loves spending time with her daughter, family and friends, going to new restaurants, the movies and watching reality TV shows.



A big welcome to **Silvia Sanchez**, the newest Administrative II in the Carson City Workers' Compensation Section. This is her first job with the State and is really enjoying it. She learns something new every day. Silvia is married and has lived in Carson City since 2005. When not working she enjoys relaxing at her favorite place, Lake Tahoe.

Congratulations to **Heather VanCleave** on her promotion to Compliance Audit Investigator I in the Carson City Workers' Compensation Section Employer Compliance Unit. Heather was previously the Administrative Assistant III in the Employer Compliance Unit and is excited to now be an investigator. She spent 7 years working in the medical field as a medical assistant before joining the State of Nevada in 2018. She grew up in Gardnerville, Nevada and graduated from Douglas High School in 2011. In her spare time, she enjoys being outdoors, spending time with friends and family and taking one day at a time.



Welcome **Obdulia "Julie" Gaytan** the new Administrative Assistant II in the Las Vegas Workers' Compensation Section Medical Unit replacing Maria Ledesma. Julie has worked with the State of Nevada since 2014 where she began as an Administrative Assistant Aid in the Division of Welfare. She also worked for the Division of Public Safety and Parole and Probation as an Administrative Assistant I. She is working on her Bachelor's Degree in Human Services. In her free time she enjoys spending time with her family and Shih Tzu/ Maltese pup watching movies and soccer.

Welcome **Stacey Sanders** the new Administrative Assistant II in the Las Vegas Workers' Compensation Section Medical Unit. Stacey has lived in Las Vegas over 40 years. Stacey has always worked in the medical field. Most recently she worked at Option Care Home Infusion for 18 years. Outside of work she enjoys family time, reading, crafting and watching baseball and football, with the Pittsburgh Steelers being her favorite team. She also enjoys ATV off road racing.

