



NEVADA WORKERS' COMPENSATION CHRONICLE

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

Division of Industrial Relations Winter Edition
(December 2020 – February 2021)

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.

Employers and Health Care Providers: Form Changes

Division of Insurance Adjuster License Requirements

Several changes have been made to two forms relevant to notification to injured employees of their rights and benefits.



The first is the “Brief Description of Your Rights and Benefits If You Are Injured on the Job or have an Occupational Disease” (D-1 Form). The most significant changes are to the text to clarify that the amount of any Permanent Partial Disability (PPD) award depends on the date of injury, results of a PPD evaluation and the employee’s age and wage. The amount may also be reduced based on any previously received lump-sum award. The telephone number of the Workers’ Compensation Section (WCS) in Carson City has been updated as well as the address of the State of Nevada Office for Consumer Health Assistance.

Employers should be aware this poster is required to be posted in a common area of each employer and supersedes all previous D-1 Forms. **Employers must ensure the most current D-1 Form is visible and easily accessible to their employees.**

The second is the “Brief Description of Rights and Benefits” (D-2 Form) which is required to be provided to injured employees when a workers’ compensation claim (C-4 Form) is initiated at the health care provider’s office. The changes to the D-2 Form reflect the same changes noted above relevant to the D-1 Form. The newly revised D-2 Form supersedes all previous D-2 Forms. **Health care providers are required to ensure the most current D-2 Form is given to injured employees.**

Katherine Godwin, RN, BSN, Chief Medical Unit, WCS

Nevada law requires individuals and business entities who adjust workers’ compensation claims to be licensed with the Nevada Division of Insurance (DOI). Nevada law does not allow a licensee to hold more than one type of adjuster license. In addition, a licensee may not be licensed as an adjuster and an insurance producer.

Prior to January 1, 2020, an individual was required to complete pre-licensing education prior to applying for a license. Effective January 1, 2020, the requirement to report pre-licensing education was repealed for all license types except bail. The DOI encourages applicants to complete pre-licensing education prior to taking the licensing exam. While Nevada does not currently have any pre-licensing education courses available, the DOI encourages applicants to visit Sircon’s [“Lookup for Education Courses”](#) webpage to find adjuster pre-licensing courses available with partnered states.

An individual wishing to apply for a license must first pass an examination. Then the applicant may submit an application and fingerprints for a criminal history background check to the Division of Insurance.

Information regarding the license types, requirements and application steps is available on the Insurance Division’s website at <http://doi.nv.gov/licensing>. Please check the website regularly for updated information regarding adjuster licensing.

Stephanie M. Kerry, BSCJA/HS, Licensing Manager, Division of Insurance

Editors Note: The free training and presentations offered by the Workers’ Compensation Section (WCS) are not affiliated with DOI pre-licensing education or licensing exam preparation.

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CARDS Corner

TOP 3 REASONS D-38 CLAIM SUBMISSIONS GET REJECTED

For this issue, we've compiled a list of the most common reasons D-38 Claim Submissions get "Rejected" or "Corrections Required" in CARDS. Here are the Top 3 (or 4, depending on how you look at it) things to look out for to ensure your claim submissions are successful:

Incorrect Policy Numbers & Dates. This is the #1 reason claims are rejected in CARDS. To avoid a rejection, ensure that both the policy number and policy date on the claim *match the information that was submitted to NCCI for the period covering the date of injury.*

More on Policy Numbers: Make sure the policy number does not include any additional letters or numbers that might be used for internal company purposes only.

More on Policy Dates: When dealing with a policy that has been continually renewed year-over-year, do not enter the cumulative time span of all policy periods combined. Rather, the Policy Effective and Expiration date fields should only reflect the policy period that was active at the time the injury occurred, which is typically a 1-year timespan. *(For example, let's say an injury occurred on 10/20/2020, and a claim is made on a policy that has been annually renewed since 1/10/2015. Do not enter 1/10/2015 – 1/10/2021 in the Effective/Expiration date fields. Only enter the policy period that was active at the time of the injury, which in this case is 1/10/2020 – 1/10/2021.)*

Employer FEIN Not Located Within Policy. This error occurs when the employer FEIN provided on the claim has not been reported on the policy as a Nevada employer. To keep claims from being "Rejected" for this reason, ensure that the information has been reported to NCCI.

Closing Costs or Benefits Reported on Denied Claims. This is the #1 reason claims require corrections in CARDS. A denied claim should not have any associated closing costs or benefits. To avoid this problem, make sure that denied claims have no dollar value entered in the Total Cost at Closure field. A medical provider bill for a denied claim may be considered an administrative cost, but is not a closing cost associated with the claim and cannot be reported as such.

Hayley D. Weedn, Business Process Analyst, WCS

SHARE Village Las Vegas

The Division of Industrial Relations (DIR) team collected non-perishable food items and personal products from in October and November for Nevada's veterans. Boxes of canned goods and other needed items were delivered on November 13, 2020. SHARE Village Las Vegas (formerly known as Veterans Village Las Vegas) has been caring for the needs of our Veterans and provides affordable housing for United States veterans, seniors, and those with physical challenges or terminal illnesses. This year SHARE Village Las Vegas has distributed 321,918 pounds of food, fed 35,089 people, made 3,162 of daily door to door deliveries, distributed 3,181 emergency packets and housed 715 people per night. They also help with continuing education opportunities and concierge medical and mental health services. We look forward to our ongoing relationship with such an important organization.



Krissi Lowry, Assistant Editor, WCS

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.

WCS Staff Participate in IAIABC 106th Convention

In September, WCS managers Katherine Godwin and Ruth Ryan participated in the International Association of Industrial Accident Boards and Commissions (IAIABC) 106th Convention.

The IAIABC hosts 2 major in-person events per year: The Forum in the spring and the Convention in the fall. After the Forum was cancelled due to COVID-19 concerns, the IAIABC decided to host the Convention completely online. Given the challenges facing the workers' compensation industry during the COVID-19 pandemic, the theme of the Convention was "Transform." Sessions were offered for several hours each Wednesday and Thursday throughout September. Each week had a different focus including Care Week, Intel Week, Conflict Resolution Week and Policy Week. Through a mix of presentations and panels, jurisdictional forums, committee meetings, discussion sessions, the IAIABC Convention provided education and opportunities to share information and connect industry leaders.



Katherine and Ruth sit on IAIABC Committees (Medical Issues Committee and Research and Standards Committee) and Katherine is the Vice President of the Western Association of Workers' Compensation Boards. Participation in the Forum and/or Convention is encouraged and expected for committee members. Other sessions that Katherine and Ruth attended and/or participated in were "Data Governance Activities to Support Data Quality Improvement," "Insights: What We Know About COVID-19 Workers' Compensation Claims," and the "Heads of Delegation & Associate Members' Forum" to name just a few.

Founded in 1914, the IAIABC provides information and education on workers' compensation policy, regulation, and administration and is the largest trade association of workers' compensation jurisdictional agencies in North America. The IAIABC works to improve and clarify laws, identify best practices, develop and implement standards, and provide education and information sharing.

Ruth Ryan, Research & Analysis Unit Manager, WCS

SCATS Services during the COVID-19 Pandemic

We are currently in the midst of a second, stronger surge of positive cases during the COVID-19 pandemic. The Governor of Nevada has issued a "pause" through January 15, 2021 to both businesses and citizens of Nevada. Potentially more restrictive measures are on the horizon. If you are one of the numerous businesses in the state that is having difficulty in wading through numerous directives and guidelines while trying to keep your business open, what assistance is available to you?

The Safety Consultation and Training Section (SCATS) of the Division of Industrial Relations is a free service that offers employers professional safety and health advice on a myriad of safety and health topics. If you have questions about OSHA standards or Nevada COVID directives, you can reach SCATS by calling (702) 486-9140 (Southern Nevada), 702-688-3730 (Northern Nevada) or 1-877-472-3368 statewide. SCATS has a staff of professional safety experts who will answer your questions. SCATS can also review COVID plans, provide guidance in developing COVID plans or any other safety and health topic. SCATS can also perform a walk of your facility to identify safety hazards or to provide advice on how to conform to state COVID requirements.



In addition to consultation services, SCATS also provides numerous on-line safety and health training courses. Many are 3 to 5-hour overviews of OSHA topics. All that is required is an internet ready mobile device or desktop computer. You can even use your phone to attend these classes.

SCATS also provides both construction and general industry 10 and 30- hour training courses. These classes have a few more restrictions such as the need for a camera and microphone so that SCATS staff can ensure attendance. This is a strict OSHA Training Institute requirement because an official OSHA 10 or 30- hour card is issued after the successful completion of the course. These cards are a requirement for many Nevadans who work in the construction, convention and entertainment industries. As with all services provided by SCATS, these classes are also free of charge. The only stipulation is that they are limited to the first 40 students signing into the class.

Bob Harris, Consultation Supervisor, SCATS

Task Force on Employee Misclassification Update

Senate Bill 493 passed during the 80th Nevada Legislative Session (2019) created the Task Force on Employee Misclassification. It also enacted certain provisions defining "misclassification" and other requirements for the Task Force on Employee Misclassification pursuant to Nevada Revised Statutes (NRS) sections 607.216 through 607.2195.

Governor Sisolak announced the appointment of members to the Task Force on Employee Misclassification in October 2020 (https://gov.nv.gov/News/Press/2020/Governor_Sisolak_announces_appointments_for_the_month_of_October/). The appointments included the following representatives.

- (a) One person who represents an employer located in this State that employs more than 500 full-time or part-time employees.
- (b) One person who represents an employer located in this State that employs 500 or fewer full-time or part-time employees.
- (c) One person who is an independent contractor in this State.
- (d) Two persons who represent organized labor in this State.
- (e) One person who represents a trade or business association in this State.
- (f) One person who represents a governmental agency that administers laws governing employee misclassification.

The Governor may also appoint two additional members to the Task Force on Employee Misclassification as appropriate. The Task Force on Employee Misclassification is expected to hold its first meeting in December 2020.

Shannon Chamber, Labor Commissioner, Office of the Labor Commissioner

Coverage Verification Service (CVS) Keeps Getting Better

In January 2006, the Workers' Compensation Section (WCS), in conjunction with the National Council on Compensation Insurance (NCCI), launched the Coverage Verification Service (CVS), a Web-based service allowing one-at-a-time searches of Nevada employers for verifying workers' compensation coverage. CVS is accessible through the Workers' Compensation Section Web site at <https://dir.nv.gov/WCS/Home/> by clicking on the "COVERAGE VERIFICATION SERVICE" box.



Users can search by employer name or FEIN for a specific coverage date. Successful searches return the insurer name, policy number and employer locations covered for the coverage date indicated. The data in CVS is a subset of the policy data DIR requires insurers to report to NCCI. The quality of the information provided by CVS is directly affected by the timeliness, accuracy and completeness of the policy data reported by the carriers. ***A search resulting in no matches on CVS does not necessarily indicate that coverage does not exist for that employer.***

Over the years, WCS and NCCI have made many improvements to CVS (now also known as WCCV – Workers' Compensation Coverage Verification) to enhance the user experience. WCS added a link to claims office locations for the insurer identified in a successful search and NCCI provided access to the service on mobile devices, to name a few. In early 2021, CVS users can look forward to additional improvements and new features:

- ♦ Removing the seven-year limit on the Contains Search
- ♦ Adding the address to the search results
- ♦ Search functionality will be state specific (employer based not policy based)

The popularity of CVS is unquestioned - over 110,000 searches on CVS have been performed in 2020 alone! CVS is a particularly helpful tool for health care providers, injured employees, insurers and TPAs, attorneys and contractors to expedite claim handling, billing issues and coverage verification for subcontractors. While only employers with workers' compensation policies with private insurance carriers are included in CVS, self-insured employers and members of associations of self-insured employers may be searched on the State of Nevada Division of Insurance (DOI) Web site via links provided on the CVS page.

WCS provides an overview of how to access and use CVS in its free training "C-4 and Coverage Verification." A link to the presentation materials can be found on our website at [C-4 and Coverage Verification Training Presentation](#).

Ruth Ryan, Research & Analysis Unit Manager, WCS

Reporting Reminders

The 2020 quarterly editions of the *Reporting Reminders* column feature detailed information on one reporting requirement and the ins and outs of that requirement.



TPA Information Form/ Insurer Information Form

Insurers and TPAs are required to keep the Division of Industrial Relations/Workers' Compensation Section updated on their contact information including physical and mailings addresses, locations of records, corporate and compliance contacts, to name a few. The *Information Forms*, found in the CARDS portal, are the means by which insurers and TPAs communicate that contact information to us. The information is stored in our CARDS system. It is very important to keep this information current, as the contact information provided by insurers and TPAs is used to disseminate important information such as regulatory notices, monetary assessments, data calls, compliance issues, and assessment reporting and billing. Additionally, insurers must "link" their contracted licensed TPAs using the *Insurer Information Form*.

TPA Information Form

Background:

Every Third-Party Administrator (TPA) licensed for workers' compensation in Nevada must complete and submit the *TPA Information Form*.

Requirement:

Statutory Requirement: NAC 616A.410

Who Must Report: All TPAs licensed for workers' compensation

Failure to Report: May result in administrative fines pursuant to NAC 616D.415(1)(d) and (2)

Method of Reporting:

- ♦ May only be submitted through the CARDS portal
- ♦ Only CARDS users with permissions to access the *TPA Information Form* may submit the form
- ♦ Form is found in the "Forms and Tools" menu on the TPA user CARDS home page (if permissions have been provided)

Reporting Frequency:

- ♦ Annually and within 30 days of changes

Insurer Information Form

Background:

Every insurer – private carriers, self-insured employers and associations of self-insured employers - licensed for workers' compensation in Nevada must complete and submit the *Insurer Information Form*. This includes decertified insurers and insurers that are licensed for workers' compensation but are not actively writing Nevada policies.

Requirement:

Statutory Requirement: NRS 616B.006 and NAC 616A.410

Who Must Report: All insurers – active and inactive - licensed for workers' compensation

Failure to Report: May result in administrative fines pursuant to NAC 616D.415(1)(d) and (2)

Method of Reporting:

- ♦ May only be submitted through the CARDS portal
- ♦ Only CARDS users with permissions to access the *Insurer Information Form* may submit the form
- ♦ Form is found in the "Forms and Tools" menu on the insurer user CARDS home page (if permissions have been provided)

Reporting Frequency:

- ♦ Annually and within 30 days of changes

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The 81st (2021) Session of the Nevada Legislature
will begin on February 1, 2021.

Reporting Reminders

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Information Form Basics:

- Updates made via TPA and Insurer **Information Forms** are not immediate. The submission of the form creates a “Ticket” for WCS staff to review. If there are questions about the submission, WCS will contact the submitter for clarification. Otherwise, the form will be processed and the updates will be made to the database.
- Insurers and TPAs can review their **Information Form** submissions in the CARDS portal under the “Filing History” tab. Here you can view the date submitted, the Ticket # associated with the submission and the status of the Ticket. **Do not submit the same information multiple times as this will create multiple Tickets and significantly increase the processing time.**
- Insurers using TPAs in Nevada for claims administration **must** “link” their TPAs using the Insurer Information Form. Insurers **may** also provide “linked” TPAs with permission to submit D-38 Claims Indexing reports in the CARDS portal on their behalf. Providing such permissions is at the discretion of the insurer; however, “linking” all contracted TPAs is required. **Important: TPAs may not “link” their insurer clients—only insurers may “link” their contracted TPAs.**
- Insurers should not list TPA contacts (i.e. TPA adjusters or managers) in the contact blocks on their **Insurer Information Form**. Insurers should only provide contact information in each contact block that are employees of the insurer. “Linking” your TPAs tells us that they are administering your claims.
- Do not report a PO Box address as a physical location.
- While the **TPA Information Form** is short and straightforward, the **Insurer Information Form** is somewhat lengthy and more complex. For information on how to submit the **Insurer Information Form**, see the **Insurer Information Form-Quick Steps** on our website at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/.
- Please be patient while WCS processes your forms – we have hundreds of insurers and TPAs submitting **Information Forms** in CARDS and we process them as soon as we can. If there is an immediate need for an update – to “link” a new TPA, for instance, you may email wcsra@dir.nv.gov with the Ticket # and request expedited processing. We will do our best to accommodate those requests.



General Reporting Information:

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@dir.nv.gov if we can be of any assistance.

Ruth Ryan, Research & Analysis Unit Manager, WCS

Questions about Workers' Compensation?
Click Here!



WCSHelp@dir.nv.gov

CARDS
Claims and Regulatory Data System

<<Click here to login or register>>

The COLA Process—Step by Step

The 2019 Legislature made changes to benefits for PTD and Survivors' (Death) claims. Starting in January 2020, NRS 616C.473 and NRS 616C.508 require insurers to pay an annual 2.3% increase in benefits for PTD and Death claims. NRS 616C.266 and NRS 616C.268 allow insurers to be reimbursed for the costs associated with the annual increase for certain eligible claims. NRS 616A.425(g) and (h) allow the Fund for Workers' Compensation and Safety to cover the costs of the reimbursements to insurers associated with the annual increase in compensation for PTD and Death claims. The source of this funding will come from assessments on all workers' compensation insurers.

The following steps have been established for this process:

- 1. AMW/Rate Verification (One-time):** In order to ensure correct benefit payment by insurers and ultimately correct reimbursement, insurers and TPAs must submit eligible claims to WCS for verification of AMW/Rate. This step must be completed before a request for reimbursement for payment of the COLA can be processed. WCS requests that AMW/Rate Verifications be submitted by December 31, 2020. See "[Instructions for Submitting AMW/Rate Verification - PTD and Survivors' Benefits Claims](#)" posted on the WCS web site.
- 2. Request for Reimbursement (Annual):** Insurers and TPAs must submit requests for reimbursement of COLA payments for eligible claims no later than March 31 each year for the prior calendar year COLA payments. WCS will review reimbursement requests for approval or denial of reimbursement. See "[Instructions for Submitting Requests for Reimbursement for Costs Associated with COLAs for PTD and Survivors' Benefits Claims](#)" posted on the WCS web site.
- 3. Special COLA Assessment (Annual):** After all requests for reimbursement have been processed by WCS, DIR will levy a special assessment on **all** workers' compensation insurers to cover the total amount approved for reimbursement for the prior calendar year COLA payments.
- 4. Reimbursement to Insurers (Annual):** After the Special COLA Assessment has been collected from all insurers by DIR, checks will be issued by the State of Nevada Controller's Office with approved amounts for reimbursement to the Assessment Contact on file for each eligible insurer.

Direct questions to: COLAS@dir.nv.gov

Ruth Ryan, Research & Analysis Unit Manager, WCS

COVID-19 WORKERS' COMP CLAIMS

In response to COVID-19, new codes were added to the acceptable codes for reporting D-38 Claims Indexing data to allow WCS to better track claims relating to the virus. The new codes - Nature of Injury: 83 COVID-19 and Cause of Injury: 83 – Pandemic – were added in March 2020 and may be used for reporting applicable claims December 2019 or later. The codes correspond to those adopted by the Workers' Compensation Insurance Organizations (WCIO) and are used by the International Association of Industrial Accidents Boards and Commissions (IAIABC). By adopting these codes for D-38 Claims Indexing reporting, Nevada may be able to, over time, compare COVID-19 claim data with other states that use the IAIABC standard.



Nevada claims processed in CARDS that include one or both COVID-19 identifiers, through November 30, 2020:

COVID-19/Pandemic Claims	Count	Percent
Filed/Processed in CARDS	810	
Accepted	307	37.9%
Denied	503	62.1%

Ruth Ryan, Research & Analysis Unit Manager, WCS

2021 Training Sessions

The following classes will be offered online via **Webex**

Delving into the D-35
January 12, 2021 at 9:00 am

C-4 Forms: Health Care Provider (HCP) Responsibilities and Coverage Verification
January 27, 2021 at 9:00 am

Medical Billing
January 27, 2021 at 1:30 pm

Medical Fee Schedule
February 27, 2021 at 9:00 am

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



Or email
krissi.garcia@dir.nv.gov

CONTACT WCS

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Division of Industrial Relations
Workers' Compensation Section

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(702) 486-9080 / Fax: (702) 486-8712

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

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

WCSHelp@dir.nv.gov

Welcome Hails and Farewells and Promotions



A big welcome to **Perry Faigin** who joined DIR as our Interim Deputy Administrator on Monday, June 1, 2020. He is stationed in our Reno and Carson City Offices.

Perry Faigin comes from the Nevada Real Estate Division in the Department of Business and Industry, where has been the Deputy Administrator for the past year. Perry has worked closely with Directors, Administrators, and Agency HR on many projects and programs throughout Business and Industry since 2016. With specific experience in human resources, administration, development of policy and procedure, NRS/NAC review and development, contracts, solicitations, and operations. Perry also worked as the Chief of Administration with the Nevada Housing Division before joining the Real Estate Division in 2019.

Perry currently serves as the Vice-President, Board of Directors, for Home Means Nevada, Inc. The Foreclosure Mediation Program, a sponsored non-profit of the State of Nevada Department of Business and Industry, and recently completed his Certified Public Manager (CPM) certification in March of 2020.

He also served for 8 years in the Naval Reserves as a Supply Storekeeper with Naval Mobile Construction Battalion (NMCB) 18 and was activated during Operation Allied Force in support of flight operations at NAS Sigonella, Sicily.

Perry lives in the Reno/Sparks area with his wife of 28 years, Ruth, and their three children.

WCS remains closed to the public and will observe these holidays

Christmas Day
Friday, December 25, 2020

New Year's Day
Friday, January 1, 2021

Martin Luther King
Monday, January 18, 2021

President's Day
Monday, February 22, 2021

Direct comments or suggestions about this newsletter to:

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